

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JIM S. ADLER, P.C. and JIM ADLER,

Plaintiffs,

v.

MCNEIL CONSULTANTS, LLC D/B/A
ACCIDENT INJURY LEGAL CENTER,
QUINTESSA MARKETING, LLC D/B/A
ACCIDENT INJURY LEGAL CENTER,
and LAUREN MINGEE,

Defendants.

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Civil Action No.: 3:19-cv-02025-K-BN

JURY DEMANDED

APPENDIX TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

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Dated: January 13, 2023

Respectfully submitted,

/s/ Jered E. Matthysse
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 (512) 476-6002 (fax)

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 Garrett W. Mize

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JIM S. ADLER & ASSOCIATES
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Dallas, Texas 75204
(214) 220-3224
(214) 220-3233 (fax)

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2023, a true and correct copy of the foregoing was served electronically, via ECF, on all counsel of record who are deemed to have consented to such service under the court's local rules.

/s/ Jered E. Matthysse

Jered E. Matthysse

EXHIBIT A

Declaration of Jim S. Adler

FILED UNDER SEAL

EXHIBIT B

Declaration of Diana Rausa

5. Attached as **Exhibit 4** are true and correct copies of screenshots of posts from Plaintiffs' Facebook and Instagram accounts which I captured on January 26, 27, 2022 and June 2, 3 and 6, 2022 and which were produced by Plaintiffs.

6. Attached as **Exhibit 5** is a true and correct copy of a screenshot of an article from the Dallas Business Journal titled "The Texas Hammer: Lawyer Jim Adler talks advertising and the law" dated June 12, 2015 available at <https://www.bizjournals.com/dallas/news/2015/06/12/the-texas-hammer-lawyer-jim-adler-talks.html> which I captured on May 27, 2022 and was produced by Plaintiffs.

7. Attached as **Exhibit 6** is a true and correct copy of a screenshot of an article from the Dallas Observer titled "The 10 Funniest Local Commercials to Ever Grace Our TV Screens" dated February 16, 2021 available at <https://www.dallasobserver.com/arts/the-10-funniest-local-commercials-ever-to-grace-your-tv-screen-11984278> which I captured on May 27, 2022 and was produced by Plaintiffs.

8. Attached as **Exhibit 7** is a true and correct copy of a screenshot of an article from the SB Nation titled "Mattress Mack Is The New Rockets Owner Houston Deserves" dated August 31, 2017 available at <https://www.thedreamshake.com/2017/8/31/16231608/mattress-mack-is-the-new-rodckets-owner-houston-deserves> which I captured on May 27, 2022 and was produced by Plaintiffs.

9. Attached as **Exhibit 8** are true and correct copies of excerpts from the November 16, 2022 30(b)(6) deposition of Quintessa Marketing, LLC. **[FILED UNDER SEAL]**

10. Attached as **Exhibit 9** are true and correct copies of excerpts from the Expert Report of R. Christopher Anderson With Respect to Damages dated July 14, 2022 and the Supplemental Expert Report of R. Christopher Anderson With Respect to Damages dated December 29, 2022. **[FILED UNDER SEAL]**

11. Attached as **Exhibit 10** are true and correct copies of excerpts from the April 13, 2022 deposition of Lauren Mingee. **[FILED UNDER SEAL]**

12. Attached as **Exhibit 11** are excerpts from Defendants' First Amended Objections and Answers to Plaintiffs' First Set of Interrogatories (Nos. 1-14) dated March 11, 2022.

13. Attached as **Exhibit 12** is a true and correct copy of a Settlement and Mutual Release Agreement between Gorayeb & Associates, P.C. and McNeil Consultants LLC, Quintessa Marketing, LLC, Accident Injury Law Center, Lauren McNeil filed in the U.S. District Court, Southern District of New York, Case No. 17-cv-3805, *Gorayeb & Associates, P.C. v. Google, Inc., et al.* produced by Plaintiffs. **[FILED UNDER SEAL]**

14. Attached as **Exhibit 13** is a true and correct copy of the Affidavit of Coety Bryant. **[FILED UNDER SEAL]**

15. Attached as **Exhibit 14** are true and correct copies of excerpts from the September 30, 2022 deposition of Wallace Kittredge. **[FILED UNDER SEAL]**

16. Attached as **Exhibit 15** are true and correct copies of documents produced by Defendants bearing production numbers QUINTESSA_000933, 00934, and 000972. **[FILED UNDER SEAL]**

17. Attached as **Exhibit 16** are true and correct copies of documents produced by Plaintiffs showing Defendants' ads. **[FILED UNDER SEAL]**

18. Attached as **Exhibit 17** is a true and correct copy of Defendants' intake call script produced by Defendants. **[FILED UNDER SEAL]**

19. Attached as **Exhibit 18** are true and correct copies of excerpts from the September 28, 2022 deposition of Mike Walker. **[FILED UNDER SEAL]**

20. Attached as **Exhibit 19** are true and correct copies of excerpts from the July 22, 2022 deposition of Jason Love. **[FILED UNDER SEAL]**

21. Attached as **Exhibit 20** are true and correct copies of engagement agreements produced by Defendants. **[FILED UNDER SEAL]**

22. Attached as **Exhibit 21** are true and correct copies of documents produced by Defendants bearing production numbers QUINTESSA_000001, 002596-002598. **[FILED UNDER SEAL] [QUINTESSA_000001 FILED MANUALLY]**

23. Attached as **Exhibit 22** are true and correct copies of the Declarations of Martin Espinoza dated July 14, 2022 and Warren Jackson dated July 20, 2022 which were produced by Plaintiffs. **[FILED UNDER SEAL]**

24. Attached as **Exhibit 23** are true and correct copies of emails Defendants received from various law firms and attorneys and produced by Defendants. **[FILED UNDER SEAL]**

25. Attached as **Exhibit 24** are true and correct copies of disengagement requests produced by Defendants. **[FILED UNDER SEAL]**

26. Attached as **Exhibit 25** is a true and correct copy of a settlement agreement produced by Defendants. **[FILED UNDER SEAL]**

27. Attached as **Exhibit 26** are true and correct copies of call recordings produced by Defendants bearing production numbers 1376, 1473, 1491, 1497, 1497, 1506, 1525, 1548, 1593, 1597, 1598, 1606, 1613, 1614, 1625, 1632, 1633, 1654, 1673, 1683, 1688, 1701, 1702, 1710, 1711, 1712, 1716, 1722, 1729, 1730, 1740, 1741, 1753, 1775, 1777, 1779, 1781, 1790, 1793, 1795, 1805, 1806, 1807, 1823, 2608. **[FILED UNDER SEAL] [FILED MANUALLY]**

28. Attached as **Exhibit 27** is a true and correct copy of the Expert Report of Dr. David W. Stewart, Ph.D., Accident Injury Legal Center and Keyword Advertisements: A Likelihood of Confusion Survey Report (exhibits omitted) dated July 11, 2022.

29. Attached as **Exhibit 28** are true and correct copies of excerpts from Defendants' Objections and Responses to Plaintiffs' First Set of Requests for Admission dated August 31, 2022.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 13, 2023 in Austin, Texas.

/s/ Diana Rausa

Diana Rausa

EXHIBIT 1

(To the Declaration of Diana Rausa)

How lawyers' TV ads became a billion-dollar industry

FEBRUARY 13, 2022 / 10:14 AM / CBS NEWS

Watch Live: Police give updates on Texas school shooting investigation 20M AGO

Watch Live: After 6 weeks, jury hears closing arguments in Depp-Heard... 1M AGO

Biden tells Naval Academy grads they're ready to face an uncertain world 2M AGO

NRA convention is held in Houston days after Uvalde mass shooting 23M AGO

Now Playing

Seriously Hurt in CAR WRECK

The wild world of lawyers' TV ads

New details in Texas shooting raise questions...

40% of generic drugs made by one manufacturer...

Families cope with tragedy in Texas

If you've turned on a television in the past four decades, you've seen attorneys advertising ad nauseam. Given just how prevalent they are, it's hard to imagine that there was a time when legal ads were illegal.

"In the old days it was unethical to advertise," said Texas attorney Jim Adler. "The bar could come after you and take away your law license. And it was also a crime."

When Adler opened up his own firm in 1973, he wasn't allowed to advertise for new clients. But that all changed four years later.

In 1977, the landmark Bates v. State Bar of Arizona case involved a small print ad that a Phoenix firm had dared to place in the local newspaper.

Sign up for Sunday Morning
Catch up on the best of "CBS Sunday Morning."

enter your email **Sign Up**

By signing up, you agree to the CBS Terms of Use and acknowledge the data provided by our partners. (Click on the unsubscribe link in any marketing email)

It opened the floodgates for a big shift in the legal profession.

Attorneys like Adler began making commercials:

"I'm better than a mean lawyer - I'm Jim Adler, the tough, smart lawyer!"

It wasn't a decision Adler made lightly. "Would it be proper? What would my friends say?"

Correspondent Conor Knighton asked, "Did you get some pushback from your colleagues?"

"Oh yeah. I was a pariah. People couldn't believe that I advertised."

But Adler couldn't believe how well it *worked*. "It was amazing," he said. "I went on one channel, and the phone started ringing off the hook."

Today, Jim Adler & Associates has more than 300 employees across Texas. His advertising budget has grown as well. Adler's "Texas Hammer" ads are big productions, and he creates versions that air in English and in Spanish.

Jim Adler (the "Texas Hammer") wielding a big, big hammer:



Attorney Trish Rich works with law firms to ensure their advertisements meet ethics requirements. "TV advertising in the United States for lawyers is a billion-dollar-a-year industry alone," she told Knighton.

She sees the ads as providing a service: "For most Americans who are just hiring a lawyer once or twice in their life, they often don't know lawyers. And so, lawyer advertising has helped connect a whole lot of Americans to legal help when they need it."

Today, there's plenty of help to choose from.

"The competition for clients has gotten more and more fierce over the years," said Rich. "And so, it really incentivizes a lot of lawyers to get flashier and flashier with their advertising."

Bryan Wilson, the "Texas Law Hawk," was born in 1986, which means he grew up in a world in which legal advertising was commonplace. "Jim Adler'd be standing on a semi and he'd have a hammer and he'd break something," Wilson said. "The more and more amped up he got, the more and more I liked it. And so, that's kinda what I was thinking: What if I go way over-the-top with a video?"

Presenting Bryan Wilson, the "Texas Law Hawk":



Wilson's over-the-top ads feature jet skis and motorcycles. But the most notable difference from his predecessors? He's never paid a cent for a television commercial; his ads are all online.

Wilson said, "Most of my clients are my age or younger. I will usually not get somebody in their 60s. They usually have not seen my videos!"

But millions of people have. Wilson's ads went viral on YouTube.

Knighton asked, "Is 'funny' what people want in an attorney?"

"I think that they're gonna get that there are two sides to me," Wilson replied, "and that's why I include in my videos at least one segment, usually, where I'm talking normally."

All legal advertising, whether its online or on-air, has to comply with restrictions put in place by individual state bar associations.

Kentucky lawyer Darryl Isaacs, of Isaacs & Isaacs, appears in this 2018 Super Bowl commercial fighting insurance company zombies, with the help of a dragon:





Super Bowl Commercial Video 2010 - Zombies vs. Dragon & The Hammer by ISACS & ISACS Personal Injury Lawyers on YouTube

The Kentucky Bar deals with their Hammer, while the Alabama Bar regulates theirs. There's a weird amount of "hammer lawyers"!

Including a second one in the same family - Jim AND Bill Adler. "Double the Hammers, DOUBLE THE JUSTICE!"



Jim Adler Double Trouble Commercial by Zervenko Zervenko on YouTube

To date, Adler says his firm has spent more than \$100 million on advertising. It works!

Which means these types of ads aren't slowing down any time soon.

For more info:

- [Jim Adler & Associates](#)
- [Trish Rich, New York University School of Law](#)
- [Bryan Wilson, the Texas Law Hawk](#)

Story produced by David Rothman. Editor: Remington Korper.

Trending News



Land artist Jen Foreman, whose canvas is a beach



Inside the Latter-day Saints' Washington, D.C. temple



Chef José Andrés on serving meals in a war zone



"Sunday Morning": Full Episode 8/22

First published on February 13, 2022 / 10:05 AM

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EXHIBIT 2

(To the Declaration of Diana Rausa)

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,507,257

Registered Sep. 30, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

JIM ADLER

JIM S. ADLER, P.C. (TEXAS CORPORATION)
1900 WEST LOOP SOUTH, 20TH FLOOR
HOUSTON, TX 770273214

FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS.
100 AND 101).

FIRST USE 8-2-2002; IN COMMERCE 8-2-2002.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

THE NAME "JIM ADLER" IDENTIFIES A LIVING
INDIVIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 77-257,385, FILED 8-16-2007.

MARK RADEMACHER, EXAMINING ATTORNEY

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,503,851

Registered Sep. 23, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

THE TEXAS HAMMER

JIM S. ADLER, P.C. (TEXAS CORPORATION)
1900 WEST LOOP SOUTH, 20TH FLOOR
HOUSTON, TX 770273214

FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS.
100 AND 101).

FIRST USE 8-2-2002; IN COMMERCE 8-2-2002.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TEXAS", APART FROM THE
MARK AS SHOWN.

SER. NO. 77-257,396, FILED 8-16-2007.

MARK RADEMACHER, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

THE HAMMER

Reg. No. 3,730,395

Registered Dec. 29, 2009

Amended Apr. 2, 2013

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

JIM S. ADLER, P.C. (TEXAS CORPORATION)
1900 WEST LOOP SOUTH, 20TH FLOOR
HOUSTON, TX 770273214

FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-4-2009; IN COMMERCE 3-4-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

REGISTRATION LIMITED TO THE AREA COMPRISING THE UNITED STATES, EXCLUDING THE STATES OF INDIANA AND OHIO AND THE COMMONWEALTH OF KENTUCKY, PURSUANT TO CONCURRENT USE PROCEEDING NO. 94002464. CONCURRENT USE WITH APPLICATION SERIAL NO. 77701833.

SER. NO. 77-245,818, FILED 8-2-2007.



Lisa M. Smith

Acting Director of the United States Patent and Trademark Office

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,503,852

Registered Sep. 23, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

EL MARTILLO TEJANO

JIM S. ADLER, P.C. (TEXAS CORPORATION)
1900 WEST LOOP SOUTH, 20TH FLOOR
HOUSTON, TX 770273214

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TEJANO", APART FROM THE
MARK AS SHOWN.

FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS.
100 AND 101).

THE FOREIGN WORDING IN THE MARK
TRANSLATES INTO ENGLISH AS THE TEXAS
HAMMER.

FIRST USE 8-2-2002; IN COMMERCE 8-2-2002.

SER. NO. 77-257,407, FILED 8-16-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.


MARK RADEMACHER, EXAMINING ATTORNEY






EXHIBIT 3






(To the Declaration of Diana Rausa)


Captured by FireShot Pro [27-01-2021, 21:42:28]

<https://www.facebook.com/JimAdlerLawFirm/photos/a.10151857561083659/10152690474358659/>


 Search Facebook







 Jack 


 **Jim Adler & Associates**
August 28, 2014 · 🌐






Look what we found in the archives! Leave a comment if you remember driving by this billboard in Dallas. #TBT

 7 1 Comment

 Like  Comment  Share 

Most Relevant ▾

 **Woody Lassiter**
Retro...that's the firm I remember...
Like · Reply · 6y

 Write a comment...    
Press Enter to post.



Captured by FireShot Pro [27-01-2021, 21:42:28]





Fire and Steel - Eng 30 - YouTube

youtube.com/watch?v=ffeU1yp-vVE&ab_channel=JimAdler%26Associates

Search

The Texas Hammer

800-358-9797

0:04 / 0:30

Fire and Steel - Eng 30

1,270,414 views • Dec 23, 2020

Jim Adler & Associates

1,926 subscribers

<http://www.jimadler.com/>

We help injured accident victims from our offices in Houston, Dallas and San Antonio. Call us 24/7

SHOW MORE

4 Comments

Commenting publicly as David Martens

C E 6 months ago

Texas Hammer are some of the few ads I watch in full. I love the over-the-top energy. Go chase them ambulances baby!

REPLY

joshuamc 4 months ago

This rock!

REPLY

Phyx 1 year ago

we all know why you're here

REPLY

The cool kid samantha 7 months ago

Joeb

REPLY

Recently uploaded

Watched

Houston Video Production: Jim Adler - EVC Film

McMullen Productions, Inc.

16 videos • 3 years ago

Inventing Chloe - SNL

Saturday Night Live

2.7M views • 2 months ago

Stiel Forrester Southern Lawyer - Saturday Night Live

Saturday Night Live

2.5M views • 8 years ago

Star Wars Undercover Boss: Starkiller Base - SNL

Saturday Night Live

67M views • 6 years ago

Weekend Update: Pete Davidson Says Goodbye for... - SNL

Saturday Night Live

3M views • 3 days ago

"The Day Beyoncé Turned Black" - SNL

Saturday Night Live

2.6M views • 6 years ago

Nathan Fielder Brought Susan Sarandon As A Back-Up Guest... - SNL

Saturday Night Live

2.8M views • 4 years ago

Maid of Honor - SNL

Saturday Night Live

2.4M views • 2 months ago

Jingleheimer Junction - SNL

Saturday Night Live

5.1M views • 2 years ago

Wayne's World - SNL 40th Anniversary Special

Saturday Night Live

6M views • 7 years ago

The Californians Breaking Character Compilation

Tom & Jackson

7.3M views • 1 year ago

Love Island - SNL

Saturday Night Live

6.9M views • 2 years ago

12 Years a Slave Auditions - SNL

Saturday Night Live

10M views • 8 years ago

Puppet Class with Seth MacFarlane - SNL

Saturday Night Live

15M views • 8 years ago

The Understudy - SNL

Saturday Night Live

2.8M views • 3 weeks ago

https://www.youtube.com/watch?v=ffeU1yp-vVE&ab_channel=JimAdler%26Associates

12:50:46 PM 5/27/2022

Google Chrome 101.0.4951.67

Windows 10 Pro 64-bit Build 19044

Steel and Fire - Span 30 - YouTube

youtube.com/watch?v=L6A3qRCkikk&ab_channel=JimAdler%26Associates

Search

El Martillo Texano

800-358-9797

0:04 / 0:30

Steel and Fire - Span 30
598,171 views • Nov 23, 2020

Jim Adler & Associates
1.92K subscribers

¡Llama ya!
800-358-9797

SHOW MORE

3 Comments SORT BY

Commenting publicly as David Martens

Phyx 1 year ago
we all know why you're here
REPLY

The guy who told you not to worry about 2 weeks ago
954k views and 1 comment??
REPLY

View reply from Jim Adler & Associates

Recently uploaded Watched

Rbp Construction
Ruth Brantley
51K views • 1 year ago

Norm MacDonald - Professor of Logic Joke
Alex Strick
0.3M views • 5 years ago

Jingleheimer Junction - SNL
Saturday Night Live
2.9M views • 2 years ago

Cut for Time: College Admissions - SNL
Saturday Night Live
0.3M views • 3 years ago

Taco Math - SNL
Saturday Night Live
0.3M views • 4 years ago

Why'd You Like It - SNL
Saturday Night Live
1.8M views • 1 month ago

Mafia Meeting - SNL
Saturday Night Live
18M views • 6 years ago

12 minutes of Will Arnett Roasting Jason Bateman on...
M.O. Archives
2.8M views • 1 year ago

Old Enough! Longterm Boyfriends! - SNL
Saturday Night Live
2.8M views • 12 days ago

After High School - SNL
Saturday Night Live
1.2M views • 5 days ago

John Cleese thanks everyone on the planet for his award
Jimmy Fallon
3.2M views • 9 years ago

Blue Bunny - SNL
Saturday Night Live
1.8M views • 2 weeks ago

The Cat in The Hat and Linda - SNL
Saturday Night Live
0.8M views • 2 years ago

Wayne's World - SNL 40th Anniversary Special
Saturday Night Live
8M views • 2 years ago

Why is Benedict Cumberbatch Hot? - SNL
Saturday Night Live
12M views • 5 years ago

gay bathroom
unintentionally
15M views • 14 years ago

https://www.youtube.com/watch?v=L6A3qRCkikk&ab_channel=JimAdler%26Associates
Google Chrome 101.0.4951.67


12:51:24 PM 5/27/2022
Windows 10 Pro 64-bit Build 19044

YouTube player interface showing a video titled "Melissa Testimonial English 15". The video content features a woman speaking and a large text overlay that reads: "GET THE HELP YOU NEED", "DON'T TRUST THE INSURANCE COMPANIES", "LET JIM ADLER FIGHT FOR YOU", "MEDICAL BILLS PAID FOR", "VEHICLE REPAIRED IMMEDIATELY", "JIM ADLER", "800-358-9703", and "PRINCIPAL OFFICE: HOUSTON, TEXAS". The video has 426,179 views and was uploaded on May 11, 2020. The channel is "Jim Adler & Associates" with 1,926 subscribers. The video description states: "We help injured accident victims from our offices in Houston, Dallas and San Antonio. Call us 24/7 SHOW MORE". The right sidebar shows a list of recommended videos, including "Old Enough! Longterm Boyfriends!", "PSA - SNL", "Investor Documentary - SNL", "What's That Name - SNL", "Women of SNL: Real Housewives Opening - Saturday Night Live", "Star Wars Undercover: Rose: Starkiller Base - SNL", "Black Jeopardy with Tim Hanks - SNL", "Jonathan Banks Fought With 'Breaking Bad' Writers Over...", "Meet Your Second Wife - SNL", "Cancelling Cable - SNL", "If We Treated Teachers Like Pro Athletes - Key & Peele", "When the A Cappella Group Already Has One Black Guy...", and "Maid of Honor - SNL". The bottom status bar shows the URL "https://www.youtube.com/watch?v=McZQ1KTZEoU&ab_channel=JimAdler%26Associates", the time "12:52:19 PM 5/27/2022", and the system information "Google Chrome 101.0.4951.67" and "Windows 10 Pro 64-bit Build 19044".

YouTube

youtube.com/watch?v=KZLE12QqSg&ab_channel=GeoffJacobs

texas hammer



Last Week Tonight - And Now This: Jim Adler the Texas Hammer (Parts 1 and 2)

97,966 Views • May 5, 2019

Geoff Jacobs
15.9K subscribers

From the May 5, 2019 episode of "Last Week Tonight with John Oliver".
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Eric Daniel 3 years ago
I remember this guy's commercials from my childhood in Texas. He didn't always growl like this, but he has always been the Texas Hammer.
152 • REPLY

Theriot Solina 3 years ago
Glad he's getting national recognition. A true Texas treasure!
80 • REPLY

Saba S 2 years ago
How can any insurance company compete against TWO hammers?
101 • REPLY

Brandon Siles 1 year ago
I got ANGRIER THAN A JUNKYARD DOG!!!
out to the chilliest pupper you've ever seen
34 • REPLY

Jenninatar 2 years ago
I went to a local pro wrestling show in Humble, TX in 2001 and Jim Adler the Texas Hammer actually ran out and saved a wrestler from being attacked from 3 other wrestlers!
63 • REPLY
View 2 replies

BoredumbGlepsyhead 2 years ago
I would always laugh my ass off at the obvious fact he's saying he's going to HAMMERS! I HMM!! but also because he yells like a wrestler while attempting to be a professional lawyer.
22 • REPLY
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Luz Cannon 2 years ago
If you're from Houston he's like a distant crazy loud uncle.
128 • REPLY

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Tobor, Ben D. (Shld-Hou-IP-Tech)

From: Tobor, Ben D. (Shld-Hou-IP-Tech)
Sent: Monday, August 20, 2018 3:22 PM
To: Tobor, Ben D. (Shld-Hou-IP-Tech)
Subject: Sent from Snipping Tool

18 Wheeler Accident Attorney



Jim Adler On Top Of Big Truck



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Jim Adler On Top Of Big Truck



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Automobile Accident Attorney

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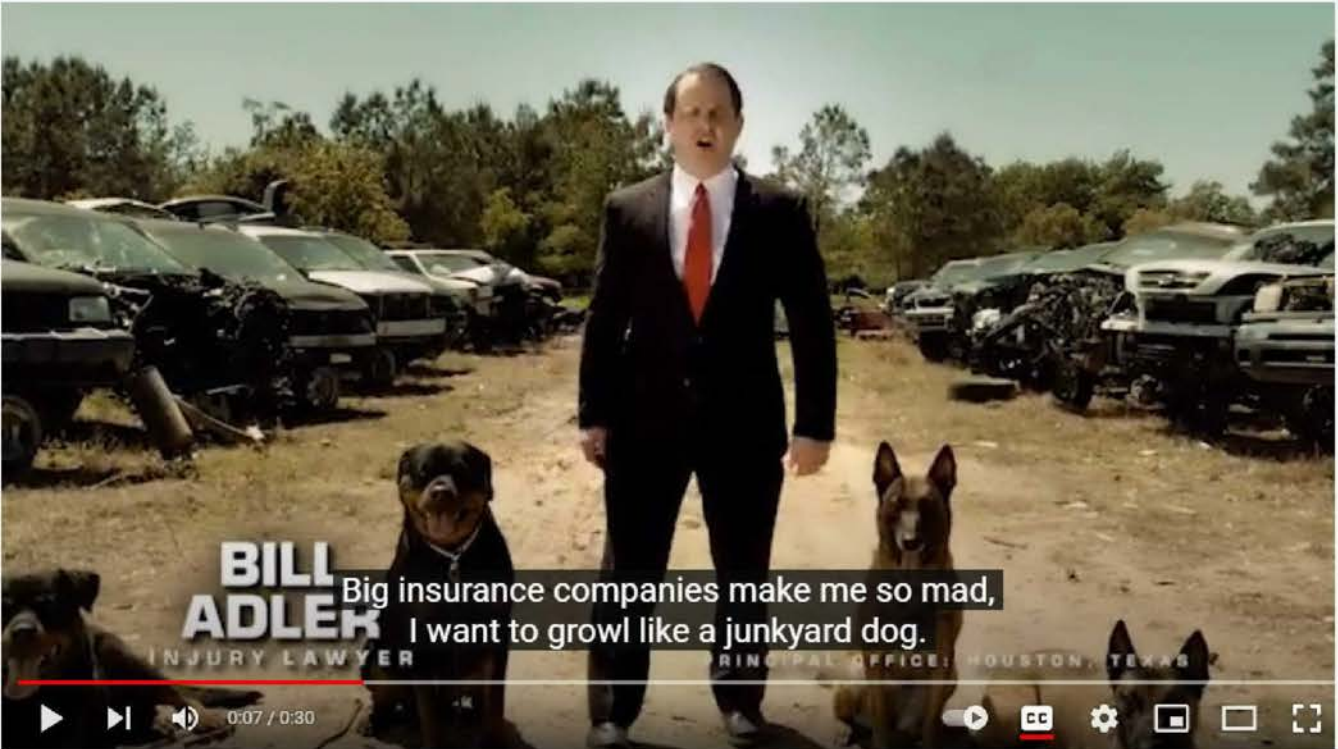


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https://www.youtube.com/watch?v=bnbLUJO3vYw 10/05/2021

YouTube Search



BILL ADLER
INJURY LAWYER

Big insurance companies make me so mad,
I want to growl like a junkyard dog.

PRINCIPAL OFFICE: HOUSTON, TEXAS

Bill Adler - Angry 3 (English 30)

2,494 views • May 7, 2019

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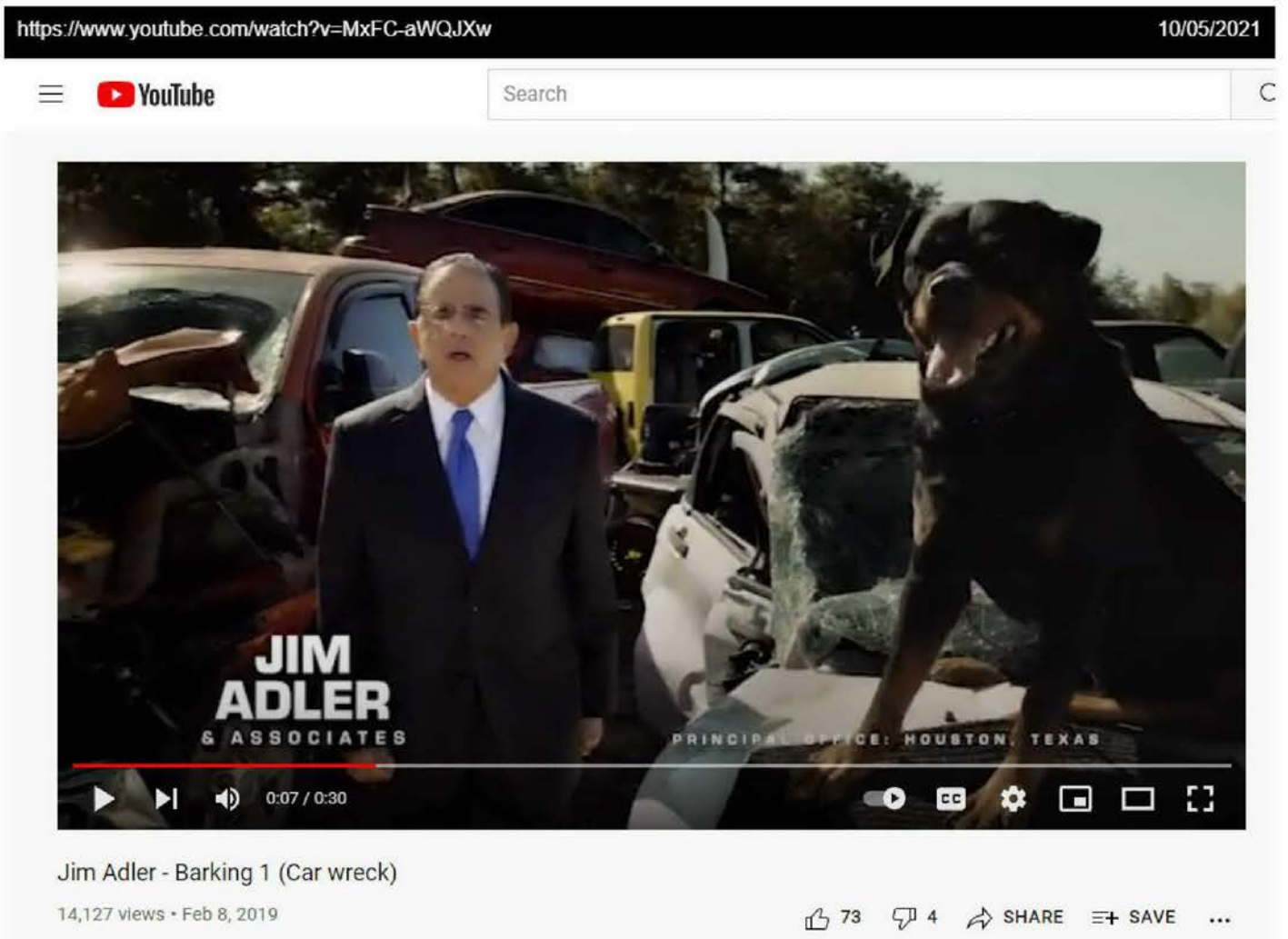
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ADLER_000071

<p>Jim Adler Barking Dogs # 1D</p> <p>Jim stands in junkyard amidst wrecked cars.</p> <p>Graphics:</p> <p>Car Wrecks Truck Wrecks SUV Wrecks Motorcycle Wrecks</p> <p>The TEXAS HAMMER</p> <p>Jim Adler & Associates www.JimAdler.com 713-777-4000 1-800-2HAMMER</p> <p>SPOKESPERSONS FOR JIM ADLER</p> <p>CAR TRUCK OR MOTORCYCLE WRECK?</p> <p>Spokesperson</p> <p>AUTO ACCIDENT \$626,000 Broken Jaw Broken Collarbone</p> <p>Spokesperson Principal Office: Houston, Texas</p> <p>Call me right now!</p>	<p>VO: Terribly hurt?</p> <p>Jim Adler on Camera: I'm Jim Adler, The Texas Hammer. When greedy insurance companies cheat car wreck victims.....I get angrier than a junkyard dog. It's time to bark! I'll get their attention</p> <p>(Jim Adler VO) My client rolled over and broke her jaw and collarbone. I hammered and put \$626,000 dollars in her pocket.</p> <p>Jim Adler on Camera: I growl and bark. I fight for the money and benefits the law says is yours.</p> <p>Talent 1 on Camera:</p> <p>Stop barking up the wrong tree! Call Jim Adler.</p> <p>Alt: I call Jim Adler he doesn't growl he bites.</p> <p>Jim Adler on Camera:</p> <p>Let's talk about your case for free.</p> <p>Announcer:</p> <p>Call Jim Adler, The Texas Hammer. 713-777-4000.</p>
---	--

<p>Jim Adler Barking Dogs # 2D (Bill)</p> <p>Jim stands in junkyard amidst wrecked cars.</p> <p>Graphics:</p> <p>Car Wrecks Truck Wrecks SUV Wrecks Motorcycle Wrecks</p> <p>The TEXAS HAMMER</p> <p>Jim Adler & Associates www.JimAdler.com 713-777-4000 1-800-2HAMMER</p> <p>SPOKESPERSONS FOR JIM ADLER</p> <p>CAR TRUCK OR MOTORCYCLE WRECK?</p> <p>Spokesperson</p> <p>18-WHEELER ACCIDENT \$503,500 BROKEN HIP & BACK BACK SURGERY</p> <p>Spokesperson Principal Office: Houston, Texas</p> <p>Call me right now!</p>	<p>VO: BADLY HURT IN A CAR WRECK?</p> <p>Jim Adler on Camera:</p> <p>I'm Jim Adler, The Texas Hammer. When big bad insurance companies start their slow pay no pay ways...I get angrier than a junkyard dog...I bark at 'em...that makes their ears perk right up.</p> <p>Alt: I growl and bite like a junkyard dog.</p> <p>(Jim Adler VO)</p> <p>I barked louder...and got my client \$503,500 dollars in his pocket when he was rear ended by an 18-Wheeler and broke his hip and back.</p> <p>Jim Adler on Camera:</p> <p>Let me TAKE OVER! I'll fight for the money and benefits the law says is yours.</p> <p>Talent 1 on Camera:</p> <p><i>Just say NO to NO PAY - SLOW PAY!</i></p> <p>Announcer:</p> <p>Call Jim Adler, The Texas Hammer for free. 713-777-4000.</p>
--	--

<p>Bill Adler Barking Dogs #3D</p> <p>Bill stands in junkyard amidst wrecked cars.</p> <p>Graphics:</p> <p>Car Wrecks Truck Wrecks SUV Wrecks Motorcycle Wrecks</p> <p>The TEXAS HAMMER</p> <p>Jim Adler & Associates www.JimAdler.com 713-777-4000 1-800-2HAMMER</p> <p>SPOKESPERSONS FOR JIM ADLER</p> <p>CAR TRUCK OR MOTORCYCLE WRECK?</p> <p>Spokesperson</p> <p>MOTORCYCLE WRECK \$505,000 BROKEN WRIST LEG SURGERY</p> <p>Spokesperson Principal Office: Houston, Texas</p> <p>Call me right now!</p>	<p>VO: HORRIBLY HURT?</p> <p>Bill Adler on Camera:</p> <p>I'm Texas injury lawyer Bill Adler. Do you want to know what gets the greedy insurance companies attention? Barking at them like a junkyard dog!</p> <p>(Bill Adler VO)</p> <p>I barked loud to get my client \$505,000 dollars in her pocket for her motorcycle wreck and broke her wrist and had leg surgery.</p> <p>Bill Adler on Camera:</p> <p>I bark and bite for the money and loss paycheck the law says is yours.</p> <p>Talent 1 on Camera:</p> <p><i>Bill Adler fights stall and low ball offers!</i></p> <p>Announcer:</p> <p>Call Texas injury lawyer Bill Adler. 713-777-4000. It cost you nothing.</p>
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ADLER_000075

https://www.youtube.com/watch?v=rzOWdcNI0kU 10/05/2021

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BILL ADLER no pay ways I growl and I bite like a junkyard dog I barks

PRINCIPAL OFFICE: HOUSTON, TEXAS

0:10 / 0:30

Bill Adler - Barking 2 (Car Wrecks) - 30s

5,075 views • Feb 8, 2019

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The advertisement features a man in a dark suit, white shirt, and red tie, standing with his arms crossed. To his right is the logo for JIM ADLER & ASSOCIATES, which includes a red star with a white silhouette of a person inside. Below the logo is the phone number 1-800-457-1414 and the website www.JimAdler.com. A dark grey box contains the text 'TESTOSTERONE has been linked to:' followed by a list of medical conditions: HEART ATTACKS, STROKES, SUDDEN CARDIAC DEATH, PULMONARY EMBOLISM, DEEP VEIN THROMBOSIS, and TIA. The text 'The TEXAS HAMMER' is overlaid on the man's suit. At the bottom, it says 'Principal Office: Houston, Texas | Referral Likely' and '©Whitehardt, Inc.'

JIM ADLER
& ASSOCIATES

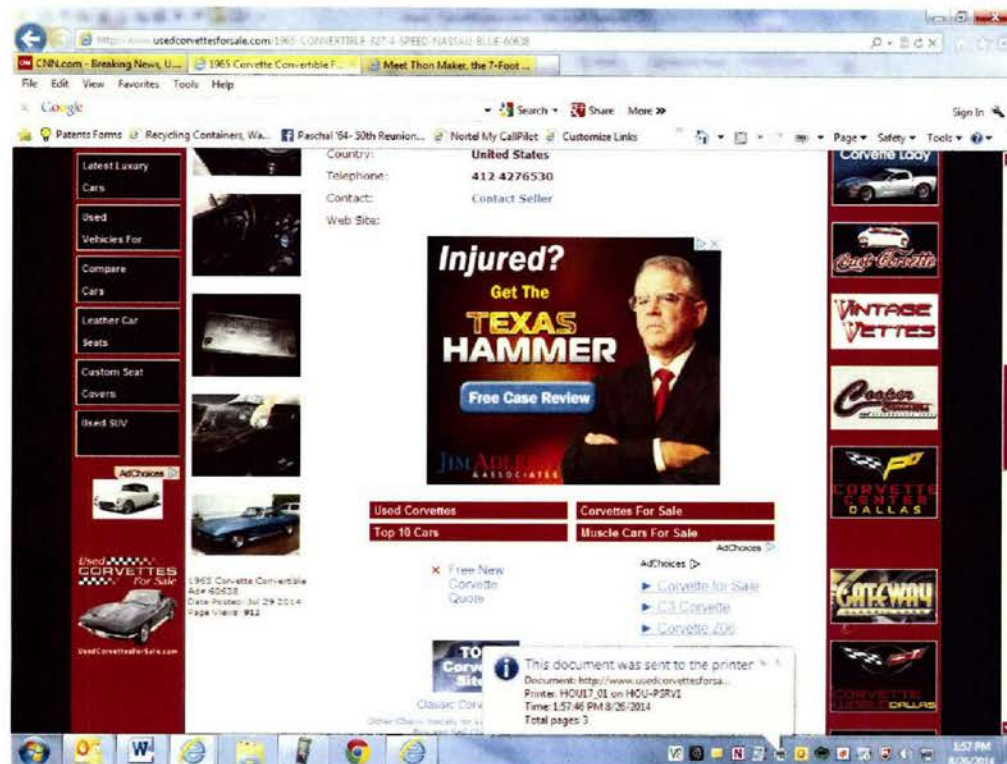
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TESTOSTERONE
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TIA

The TEXAS HAMMER

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Screenshot of the Jim Adler & Associates Law Firm website. The browser address bar shows <https://www.jmadler.com>. The website header includes the firm's name, logo, and phone number: (877) 959-6328. A navigation menu lists: Locations, Practice Areas, Personal Injury, Attorneys, Media, Blog, About Us, FAQs, COVID-19, and Contact Us. The main banner features a photograph of a man standing on a damaged car next to a semi-truck, with the text: **YOUR TOUGH, SMART LAWYERS**. Below the banner, the text reads: **The Hammer Law FirmSM Texas Personal Injury Lawyers**. A section titled **We Are Still Accepting New Cases – Read Our COVID-19 FAQs** includes a message regarding COVID-19. To the right, a **FREE Case Review** form is visible, with fields for Full Name, Phone, Email, and a text area to "Tell us about your case:".

04/06/2020

(<https://www.jimadler.com>)

 Call Jim Adler Now (tel:(877) 959-6328)



(/el-martillo-tejano/)

The Hammer Law FirmSM Texas Personal Injury Lawyers

We Are Still Accepting New Cases – Read Our COVID-19
FAQs (<https://www.jimadler.com/covid-19-faqs/>)

A Message Regarding COVID-19:

Like all of you, we are adapting to the new reality of “social distancing” and other health precautions required by the coronavirus. We are still working hard for you, and we are still here to answer any questions you may have about your case. However, CDC guidelines and other government mandates have affected our usual business operations. Some of our attorneys and staff are currently working from home, and those of us who are still at the office must take additional precautions to limit the spread of this disease.

As a result, all clients must have an appointment before visiting a Jim Adler office in person until further notice. If you would like an appointment, please call our office to set one up before visiting. We will attempt to address your concern over the phone so that you can avoid having to travel. Clients who visit our office without an appointment may be turned away for both your safety and ours, as excessive in-person contact risks spreading COVID-19, and all meetings should be kept to a minimum.

If you call our office and we miss your call, please be sure to leave a detailed message. We will call you

<https://www.jimadler.com/>

Monday, April 6, 2020

Jim Adler & Associates Law Firm | Texas Personal Injury Lawyers

Page 2 of 6

back as quickly as possible to address your concerns.

Thank you for your patience and understanding during this critical time.

With over 30 years of experience in handling personal injury cases, our team of personal injury lawyers will be with you every step of the way. There are many personal injury attorneys in Texas, but there's only one Texas Hammer. Over the past 30 years, our team of lawyers has offered professional legal representation to those involved in personal injury, auto and other types of accidents.

We fight for justice on behalf of our clients and their families. If you or someone you know has been injured in a car wreck or on the job, our Houston personal injury lawyers can help you protect your rights. With locations in Houston, Dallas, and San Antonio, we've got a personal injury law office near you. Contact any of our law firm locations and someone will connect with you promptly.



(<https://www.jimadler.com/car-accident-lawyer/>)

Car Accidents (<https://www.jimadler.com/car-accident-lawyer/>)

We'll help you deal with insurance companies to insure your rights are being protected while you focus on you and your family.



(<https://www.jimadler.com/truck-accident-lawyer/>)

Truck Accidents (<https://www.jimadler.com/truck-accident-lawyer/>)

Being hit by an 18-wheeler big rig can cause serious injuries, if not death. We can help you fight back and get what you deserve.

<https://www.jimadler.com/>

Monday, April 6, 2020



(<https://www.jimadler.com/work-injury-lawyer/>)

Work Injuries (<https://www.jimadler.com/work-injury-lawyer/>)

Workplace injuries can be caused by many types of equipment malfunctions or other safety failures due to negligence of employers.

JOIN OUR TEAM - APPLY TODAY.

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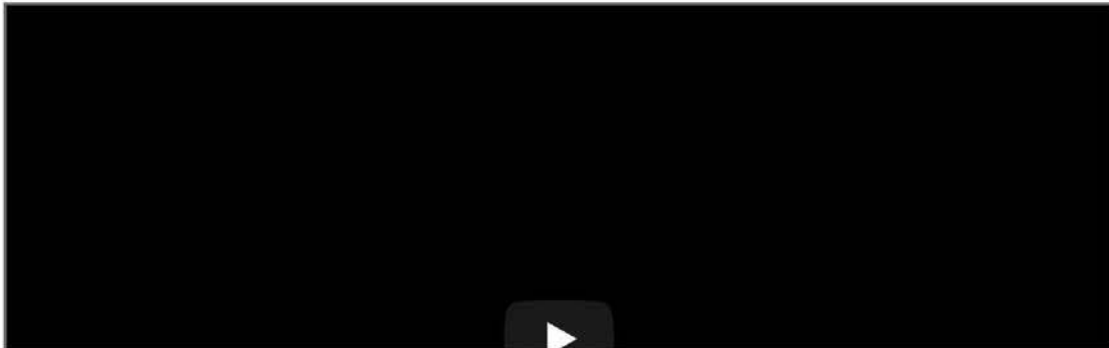
Types of Personal Injury Cases

Our Houston personal injury lawyers help Texans all over the state get the financial compensation they deserve.

From Houston to San Antonio to Dallas, our personal injury lawyers handle many different types of personal injury lawsuits, including on-the-job work accidents, and nearly all types of vehicle accidents.

Our Personal Injury Lawyers Want to Fight for You!

If someone's negligence has led to your injury or the death of a loved one, the attorneys at our law firm want to help. Our personal injury and car accident attorneys can help victims find their most favorable route to financial recovery. Helping you get back on your feet is our mission.



<https://www.jimadler.com/>

Monday, April 6, 2020

Why You Should Hire Jim Adler & Associates

If you're looking for a personal injury lawyer here in Texas, here are some reasons why you should choose us:

1. COURTS CAN BE CONFUSING AND OVERWHELMING.

Our personal injury and accident lawyers are here to help make this troubling time easy for you. We handle the heavy lifting.

2. NO ATTORNEY FEES UNLESS WE WIN.

Our personal injury lawyers are with you 100% of the way. We only get paid if we win your case, so you know we will do our best to fight for you.

3. OUR PROVEN TRACK RECORD.

Our clients love us because they know we are thinking of them, and winning for them.

Client Review: 5/5 ★ ★ ★ ★ ★

Great staff! Very professional and attentive of their clients. Evangelina and Ashley made this process so smooth and stress-free.

– Esther P.

FREE Case Review

Full Name

Phone

<https://www.jimadler.com/>

Monday, April 6, 2020

Email

Tell us about your case:

Our Offices



Houston Office

3D/International
Tower
1900 West Loop
South

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(tel: 8005051414)

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(https://goo.gl/maps/Y9hJsRSGV)



Channelview Office

12605 East
Freeway
Suite 400

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(tel: 8005051414)

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Dallas Office

Tower at Cityplace
2711 North Haskell
Ave.
Suite 2500

Click to call
(tel: 8005051414)

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San Antonio Office

San Pedro Plaza
7330 San Pedro
Ave.

Click to call
(tel: 8005051414)

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Jim Adler & Associates Law Firm | Texas Personal Injury Lawyers

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If you've been seriously injured, get *The
Tough, Smart Lawyer!*[®]

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Principal Office Houston, TX

<https://www.jimadler.com/>

Monday, April 6, 2020

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Appx. 42

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Hammer TV

Jim Adler invented TV advertising for attorneys after the 2011 Supreme Court decision upholding lawyers' First Amendment right to advertise their services. Jim & Associates creates you to view the following new and vintage TV commercials and ads that spotlight our services, as well as fun national videos to help injured people. It's Hammer Time!

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The Two Hammers

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 Houston, TX 77057

Chattanooga
 Bank of America Building
 1000 Bank Building, Suite 400
 Chattanooga, TN 37403

Dallas
 Tower at Cityplace
 2114 Smith Street, Suite 2000
 Dallas, TX 75204

San Antonio
 San Pedro Plaza
 7200 San Pedro Drive, Suite 100
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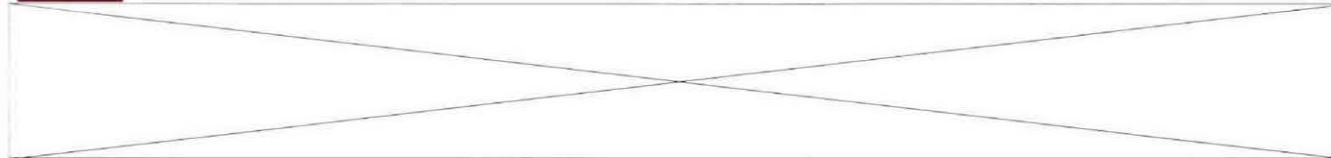
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- 'Zombie' callers, texters are accidents waiting to happen
3/24/2009
You know cell phones are a menace to society...
- Natasha Richardson's brain

Texas Personal Injury Lawyers

When you need Texas personal injury lawyers such as a Houston car accident attorney, an auto accident lawyer in Dallas, a Houston wrongful death lawyer, a mesothelioma attorney in San Antonio or a Dallas burn injury or brain injury attorney, you want Jim S. Adler & Associates. Jim Adler, known as THE HAMMER, is the managing partner and founder of Jim S. Adler & Associates, a firm of Texas injury attorneys committed to representing aggrieved and injured people since 1973.



Duragesic pain patch overdose of fentanyl proves fatal

The Duragesic pain patch is used to treat moderate to severe chronic pain by slowly administering narcotic doses to patients whose pain can't be managed with less potent medicine. Placed on the skin and lasting 72 hours, such patches gradually provide fentanyl gel, a highly concentrated drug which is 81 times stronger as a pain-killer than morphine. Clearly, misuse of a Duragesic pain patch can prove fatal. But also fatal can be millions of pain patches which have a defective fold-over.



A Texas shoulder pain pump lawyer can protect your rights

Again, a medical device created to heal ends up harming. In this case such a device is the pain pumps used on patients who have had arthroscopic

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injury shows TBI dangers

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As actress Natasha Richardson fights for life after a...

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shoulder surgery. A variety of these shoulder pain pumps' manufacturers reportedly directed doctors to use the pumps in a manner not approved by the U.S. Food and Drug Administration.



Cell phone ban urged to meet car accident crisis

After assessing more than 50 scientific studies and crunching compelling numbers involving deaths and injuries, the National Safety Council, chartered by Congress, is urging a total ban on cell phone use while driving. This ban would apply to hand-held or hands-free cell phones, as well as texting. Yet cell phone accidents persist, so you may need Jim "the Hammer" Adler's team of personal injury lawyers.



Yamaha Rhino ATV accidents claim thousands

As Jim "the Hammer" Adler knows, just as rollovers have given SUVs (sport utility vehicles) a bad name, they've done the same for ATVs (all-terrain vehicles) such as the Yamaha Rhino. According to the Consumer Products Safety Commission, ATV driving leads to more than 700 deaths and more than 135,000 injuries annually in America, and about 30 per cent of those involve children. Texas is among the top five states for ATV deaths, along with Pennsylvania, California, West Virginia and Kentucky.



OSP, or Oral Sodium Phosphate, can cause kidney failure

Persons who undergo the unpleasantness of a colonoscopy to find possible health dangers may experience severe health problems as a result of the exam. The U.S. Food and Drug Administration has issued an urgent national warning -- including a so-called "box warning" -- for products using OSP, or Oral Sodium Phosphate. Sold both over-the-counter and via prescription, OSP often is taken as a laxative to clean out the bowels prior to an exam such as a colonoscopy.



Stanford customers may need an investment fraud lawyer

Have you been impacted by alleged Stanford Financial Group investment fraud? If so, an



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experienced investment fraud lawyer with Jim S. Adler & Associates can help. Fill out a free case evaluation.

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3/30/2009

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3/30/2009

Adler Network

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The logo for HAMMER TV, featuring the word "HAMMER" in a bold, serif font and "TV" in a smaller, sans-serif font, with a stylized American flag graphic behind the text.

TOP STORIES PSAs TV COMMERCIALS NEWS: JSA CHARITIES

A video player showing a man in a suit and tie (Jim S. Adler) speaking. The text "Jim S. Adler Personal Injury Lawyer 1-800-505-1414" is overlaid on the video.

PAUSE [Volume icon] [Full Screen icon]

The Texas Hammer Gets Personal
Up close and personal with Jim Adler

"VIEW OUR EDUCATIONAL VIDEOS ABOUT VARIOUS LEGAL TOPICS."

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3/30/2009

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Adler Network

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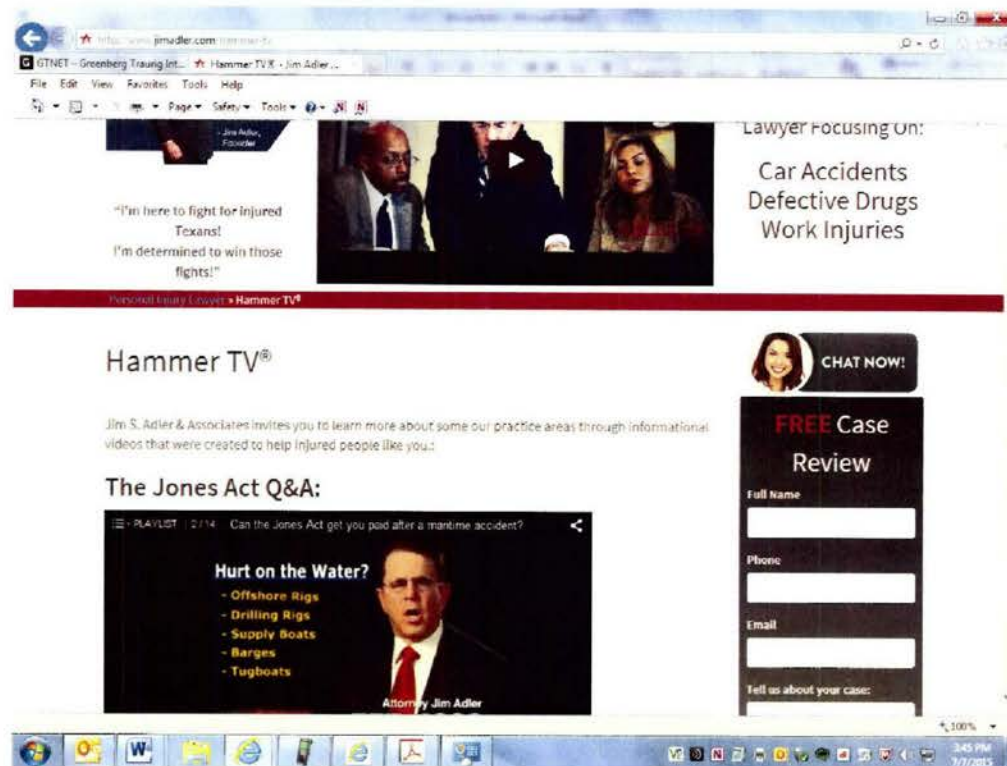
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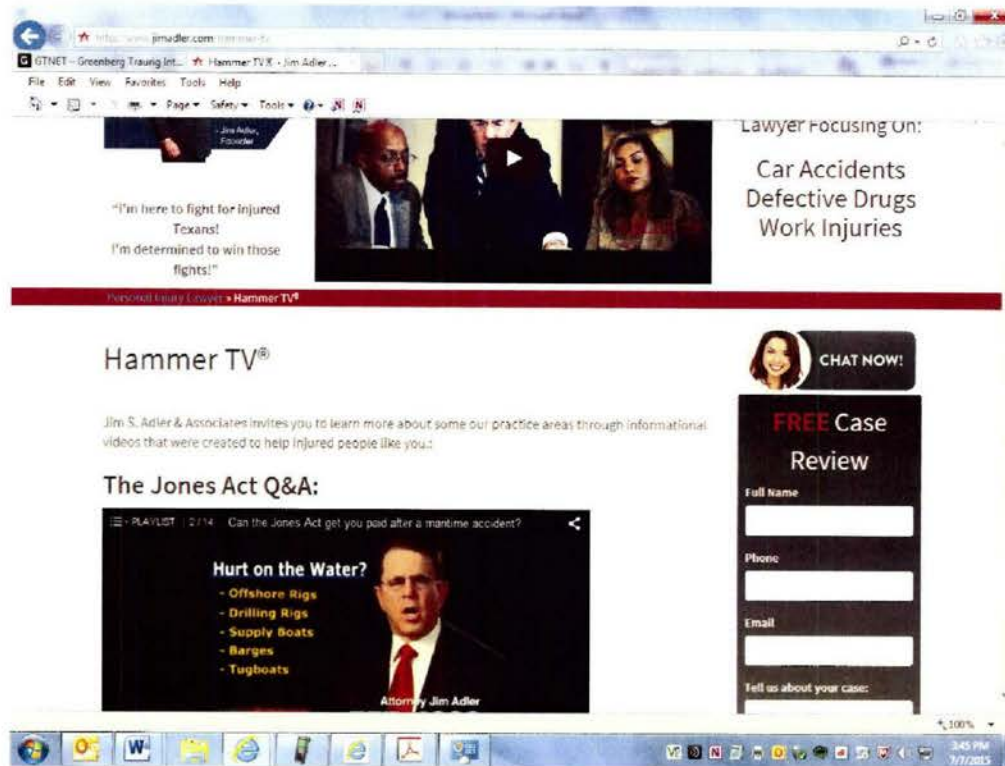
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3/30/2009












Abogado de Lesiones - Jim Adler

Page 1 of 4



(/)

 Call Jim Adler Now (tel:18005051414)

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Abogado de Lesiones

Más De 40 Años De Experiencia Ayudar
Personas Lesionadas



<http://www.jimadler.com/el-martillo-tejano/abogado-de-lesiones> 8/27/2014

En los Estados Unidos hay miles de abogados de lesiones personales — pero solo un Martillo Tejano.® Desde nuestras oficinas en Houston, Dallas y San Antonio, servimos a todo el estado de Texas. Si ha sido lesionado en un accidente de auto o en el trabajo o necesita los beneficios de la incapacidad del Seguro Social, sepa sus derechos legales y tenga respuestas rápidas para sus preguntas. En los últimos 40 años, la firma de abogados de Jim Adler ha peleado por la justicia de parte de los clientes lesionados y sus familias. Jim Adler ha representado orgullosamente sus mejores intereses y creado una presencia potente como el Abogado Inteligente y Tenaz.®



(abogado-de-lesiones/abogado-de-accidente-de-auto)

Accidentes de Auto

¡Si ha sido lastimado en un accidente de auto, necesita que Jim Adler pelee por usted! Nosotros enfrentamos a las compañías de seguro para asegurar que sus derechos sean protegidos mientras usted se enfoca en sus familia, salud y necesidades médicas.

Aprenda Más (abogado-de-lesiones/abogado-de-accidente-de-auto)



(abogado-de-lesiones/demanda-de-drogas)

Drogas Defectuosas

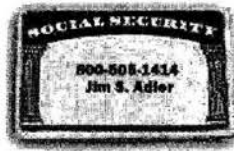
Los medicamentos recetados a menudo causan efectos secundarios serios que pueden cambiar su calidad de vida. Si usted o un ser querido ha sido lastimado usando una droga recetada o dispositivo médico defectuoso, hable con un abogado ahora mismo.

Aprenda Más (abogado-de-lesiones/demanda-de-drogas)



Abogado de Lesiones - Jim Adler

Page 3 of 4



(abogado-de-lesiones/abogado-de-incapacidad-de-seguro-social)

Seguro Social

Aplicando para la incapacidad de Seguro Social es complicado y lento. No deje que el gobierno niegue su reclamos de incapacidad por errores sencillos. Nuestra firma de abogado puede ayudarle a obtener el dinero que se merece.

Aprenda Más (abogado-de-lesiones/abogado-de-incapacidad-de-seguro-social)

Jim Adler, El Abogado Inteligente y Tenaz y El Martillo Tejano[®]

Jim Adler es el presidente y fundador de Jim Adler y Asociados, una firma de abogados con oficinas en Houston, Channelview, Dallas y San Antonio cuyos abogados de lesiones personales y abogados de accidentes de auto están dedicados en ayudar a la gente lastimada desde 1973. En las últimas cuatro décadas nuestro equipo dedicado de abogados y personal de apoyo legal de más de 250 personas han ayudado a miles de clientes y sus familias a pelear por la justicia. Deje que nuestra familia ayude a la suya.

Jim Adler y Asociados maneja muchos casos de lesiones personales, incluyendo los que involucran los accidentes de auto, choques de camiones de 18 ruedas, vuelcos de SUV, choques de motocicletas, retiros de seguridad, partes defectuosas, accidentes laborales, lesiones de accidentes marítimos, Acta de Jones, drogas defectuosas como Abilify, Risperdal o Zoloft, y los dispositivos médicos defectuosos como implantes de cadera DePuy o malla vaginal defectuosa. También ayudamos a los incapacitados buscar los pagos de discapacidad del Seguro Social.

¡Si ha sido lesionado seriamente, obtenga
el Abogado Inteligente y Tenaz



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<http://www.jimadler.com/el-martillo-tejano/abogado-de-lesiones> 8/27/2014

Abogado de Lesiones - Jim Adler

Page 4 of 4

Oficina Principal en Houston, TX





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Abogado de Lesiones

Más De *30 Años De Experiencia* Ayudando A Personas Lesionadas

En los Estados Unidos hay miles de abogados de lesiones personales — pero solo un Martillo Tejano. Desde nuestras oficinas en Houston, Dallas y San Antonio, servimos a todo el estado de Texas. Si ha sido lesionado en un accidente de auto o en el trabajo o necesita los beneficios de la incapacidad del Seguro Social, sepa sus derechos legales y tenga respuestas rápidas para sus preguntas. En los últimos 30 años, la firma de abogados de Jim Adler ([/www.jimadler.com/el-martillo-tejano/sobre-nuestra-firma](https://www.jimadler.com/el-martillo-tejano/sobre-nuestra-firma)) ha peleado por la justicia de parte de los clientes lesionados y sus familias. Jim Adler ha representado orgullosamente sus mejores intereses y creado una presencia potente como el Abogado Inteligente y Tenaz. ®



([/el-martillo-tejano/abogado-de-accidente-de-auto](https://www.jimadler.com/el-martillo-tejano/abogado-de-accidente-de-auto))

Accidentes de Auto

¡Si ha sido lastimado en un accidente de auto, necesita que Jim Adler pelee por usted! Nosotros enfrentamos a las compañías de seguro para asegurar que sus derechos sean protegidos mientras usted se enfoca en sus familia, salud y necesidades médicas.

[Aprenda Más \(/el-martillo-tejano/abogado-de-accidente-de-auto\)](#)



[\(/el-martillo-tejano/abogado-de-incapacidad-de-seguro-social\)](#)

Seguro Social

Aplicando para la incapacidad de Seguro Social es complicado y lento. No deje que el gobierno niegue su reclamo de incapacidad por errores sencillos. Nuestra firma de abogado puede ayudarle a obtener el dinero que se merece.

[Aprenda Más \(/el-martillo-tejano/abogado-de-incapacidad-de-seguro-social\)](#)



[\(/el-martillo-tejano/areas-de-practica\)](#)

Otras Áreas Legales

Nuestros abogados experimentados le pueden ayudar a luchar por sus derechos con su caso de lesiones personales. Desde caídas y resbalones, accidentes en bote, mordidas de perro o accidentes en refinerías y fábricas, le daremos la atención merecida.

[Aprenda Más \(/el-martillo-tejano/areas-de-practica\)](#)

Jim Adler, El Abogado Inteligente y Tenaz[®] y El Martillo Tejano[®]

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Evaluación de Caso *GRATIS*

Nombre Completo

Teléfono

Correo Electrónico

Cuéntenos su caso:

Enviar

<https://www.jimadler.com/el-martillo-tejano/>

8/20/2018

Abogado de Lesiones | Jim Adler & Associates

Page 4 of 4

¡Si ha sido lesionado seriamente, obtenga
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THAT'S JUST HOW WE'LL
TREAT YOU**

Jim Adler & Associates

The Texas Hammer® has over 30 years of experience helping injured people get the compensation they deserve.

Get started on your FREE case review today. Call Now!

There are many personal injury attorneys in Texas but there's only one Texas Hammer. Over the past 30 years, our team of lawyers has offered professional legal representation to those involved in personal injury, auto and other types of accidents. Jim Adler & Associates will fight on your side so that you and your family receive the compensation that you deserve for your accident injuries and losses.

If you or someone you know has been injured in a car wreck or from someone else's negligence, our lawyers can help you protect your rights. Get your questions answered today by our knowledgeable, approachable attorneys and legal professionals when you contact any of our four Texas office locations.

Car Accidents

Jim Adler & Associates can help you deal with insurance companies to ensure your rights are being protected while you focus on yourself and your family.

Medical Injuries

Prescription drugs often cause serious side effects that can change your quality of life. Find out how our experienced lawyers can help.

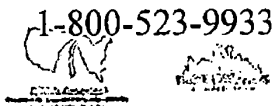
Truck Accidents

Being hit by an 18-wheeler big rig can cause serious injuries, if not death. Jim Adler can help you fight back and get what you deserve.

**Call Us Today!
Your FREE Case
Review!
No Obligation
Proceed**

We Help Texans All Over the State Get the Compensation They Deserve

If you've been seriously injured, get *The Tough, Smart Lawyer*®!



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1 people get the compensation they deserve.**

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many personal injury attorneys in Texas but there's only one Texas Hammer. Over the past 30 years, our team of
s offered professional legal representation to those involved in personal injury, auto and other types of accidents. Jim
sociates will fight on your side so that you and your family receive the compensation that you deserve for your accident
1 losses.

Someone you know has been injured in a car wreck or from someone else's negligence, our lawyers can help you protect
. Get your questions answered today by our knowledgeable, approachable attorneys and legal professionals when you
y of our four Texas office locations.

Accidents

r & Associates can help you
insurance companies to
our rights are being
1 while you focus on yourself
family.

Medical Injuries

Prescription drugs often cause
serious side effects that can
change your quality of life. Find
out how our experienced
lawyers can help.

Truck Accidents

Being hit by an 18-wheeler big rig can
cause serious injuries, if not death.
Jim Adler can help you fight back and
get what you deserve.

**Get Your Case
Review Now!**

Full Name *

Phone Number *

E-mail

Submit

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& ASSOCIATES

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**Usted y su familia
son importantes,
y así los trataremos.**

Jim Adler y Asociados

El Martillo Tejano tiene mas de 30 años ayudando a personas lesionadas en recibir una compensación justa.

Empecemos la evaluación gratuita de su caso!

En el estado de Texas hay miles de abogados de lesiones personales — pero solo uno conocido como El Martillo Tejano. Desde nuestras oficinas en Houston, Dallas y San Antonio, servimos a todo los residentes del estado de Texas. Si usted se lesiono en un choque, durante el trabajo, o necesita los beneficios de incapacidad del Seguro Social, permítanos luchar por sus derechos y su compensación merecida.

Nuestros abogados experimentados le ayudaran a conocer sus derechos legales y responderán a sus preguntas de manera eficiente y respetuosa. Consiga asesoría legal de Jim Adler y Asociados para proteger sus intereses y los de su familia.

**Llamenos y Obtenga
Su Evaluación de
Caso GRATIS**

y

Sin Obligacion.

Accidentes de Auto

Le ayudamos a luchar contra las compañías de seguro para asegurar que sus derechos estarán protegidos mientras usted se enfoca en su salud y la de su familia.

Lesiones Medicas

Los medicamentos recetados muchas veces causan lesiones que arriesgan su vida y le afectan de manera grave. Consúltenos para saber cómo le podemos ayudar.

Beneficios del Seguro Social

Aplicando para los beneficios de incapacidad del Seguro Social es un proceso complicado y lento. No permita que el gobierno le niegue su reclamo por errores sencillos. Llámenos para ayudarle.

Le Ayudamos a Lesionados de Accidentes en Todo el Estado de Texas.

¡Si se lesiono seriamente en un accidente, obtenga el Abogado Inteligente y Tenaz®!

Oficina Principal en Houston, TX.

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Oficina Principal en Houston, TX.

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<p>Jim Adler Angry Dogs # 1C Jim stands in junkyard amidst wrecked cars.</p> <p>Graphics:</p> <p>Car Wrecks Truck Wrecks SUV Wrecks Motorcycle Wrecks</p> <p>The TEXAS HAMMER</p> <p>Jim Adler & Associates www.JimAdler.com 713-777-4000 1-800-2HAMMER</p> <p>SPOKESPERSONS FOR JIM ADLER</p> <p>CAR TRUCK OR MOTORCYCLE WRECK?</p> <p>Spokesperson</p> <p>Auto Accident Hip Surgery \$400,000</p> <p>Spokesperson Principal Office: Houston, Texas</p> <p>Call me right now!</p>	<p>VO: HORRIBLY INJURED?</p> <p>Jim Adler on Camera: I'm Jim Adler, The Texas Hammer. When stingy, greedy insurance companies stall and try to cheat car wreck victims, I get angrier than a junkyard dog.</p> <p>(Jim Adler VO) My client was hit head on and had hip surgeries. I hammered and put \$400,000 thousand dollars in his pocket.</p> <p>Jim Adler on Camera: Let me and my friends (gestures to the dogs) chew'um up and fight for the money and benefits the law says is yours.</p> <p>Announcer: Spokesperson for Jim Adler.</p> <p>Talent 1 on Camera: Jim Adler doesn't bark he bites.</p> <p>Jim Adler on Camera: Let's talk about your case for free.</p> <p>Announcer: 713-777-4000.</p>
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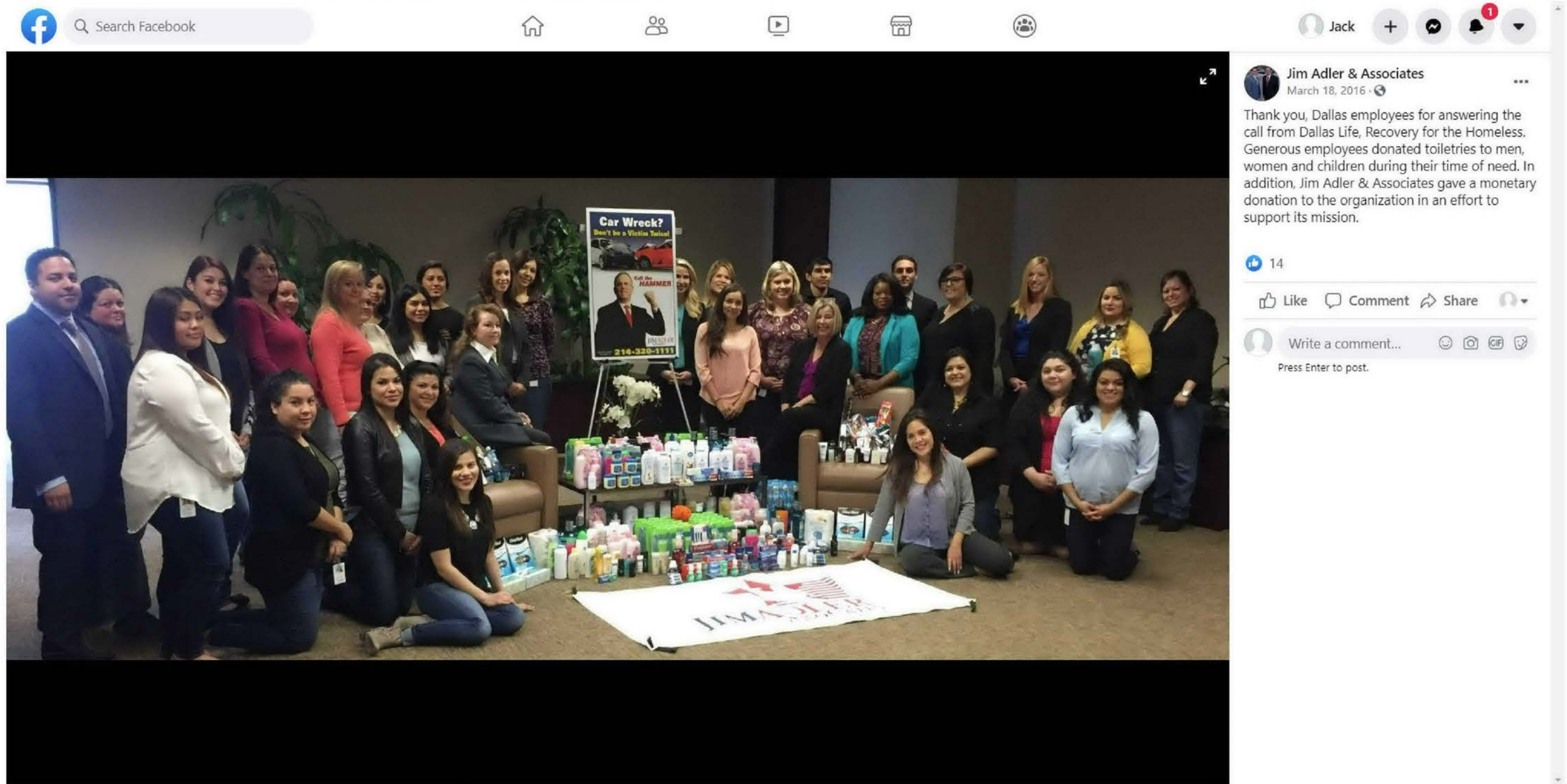
<p>Jim Adler Angry Dogs # 2C</p> <p>Jim stands in junkyard amidst wrecked cars.</p> <p>Graphics:</p> <p>Car Wrecks Truck Wrecks SUV Wrecks Motorcycle Wrecks</p> <p>The TEXAS HAMMER</p> <p>Jim Adler & Associates www.JimAdler.com 713-777-4000 1-800-2HAMMER</p> <p>SPOKESPERSONS FOR JIM ADLER</p> <p>CAR TRUCK OR MOTORCYCLE WRECK?</p> <p>Spokesperson</p> <p>18 Wheeler Accident \$245,000 Back Surgery</p> <p>Spokesperson Principal Office: Houston, Texas</p> <p>Call me right now!</p>	<p>VO: BADLY HURT?</p> <p>Jim Adler on Camera: I'm Jim Adler, The Texas Hammer. When rich insurance companies offer you a bag of dog treats...I get meaner than a junkyard dog.</p> <p>(Jim Adler VO) I got my client \$245,000 thousand dollars in his pocket when he was hit by semi and had back surgery.</p> <p>Jim Adler on Camera: Let the junkyard dogs fight for the money and benefits the law says is yours.</p> <p>Announcer: Spokesperson for Jim Adler.</p> <p>Jim Adler bites to protect you and your family.</p> <p>Jim Adler on Camera: Call me talk about your case for free.</p> <p>Announcer: 713-777-4000.</p>
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<p>Bill Adler Angry Dogs #3C</p> <p>Bill stands in junkyard amidst wrecked cars.</p> <p>Graphics:</p> <p>Car Wrecks Truck Wrecks SUV Wrecks Motorcycle Wrecks</p> <p>The TEXAS HAMMER</p> <p>Jim Adler & Associates www.JimAdler.com 713-777-4000 1-800-2HAMMER</p> <p>SPOKESPERSONS FOR JIM ADLER</p> <p>CAR TRUCK OR MOTORCYCLE WRECK?</p> <p>Spokesperson</p> <p>18 Wheeler Accident \$370,000 Neck Surgery</p> <p>Spokesperson Principal Office: Houston, Texas</p> <p>Call me right now!</p>	<p>VO: ATTENTION ACCIDENT VICTIMS?</p> <p>Bill Adler on Camera: I'm Texas injury lawyer Bill Adler. Big insurance companies make me so mad I wanna growl...like a junkyard dog.</p> <p>(Bill Adler VO) I hammered hard and got my client \$370,000 thousand dollars when he was in a big truck wreck and had neck surgery.</p> <p>Bill Adler on Camera: Our junkyard dogs are trained to fight. Let me fight for the money and benefits the law says is yours.</p> <p>Announcer: Spokesperson for Bill Adler.</p> <p>Talent 1 on Camera: <i>Bill Adler fights to protect you and your family.</i></p> <p>Bill Adler on Camera: Call me to talk about your case for free.</p> <p>Announcer: 713-777-4000.</p>
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EXHIBIT 4

(To the Declaration of Diana Rausa)

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Tonight, on the Outlaw Dave Show, our friend Kenny Thompson talks about his non-profit Feed the Future Forward. Hear what he has to say about Jim Adler's contributions to the cause. That's tonight, starting at 7 p.m. On KPRC 950 AM #TheTexasHammer

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★★★★★
- DENNY



JONES ACT
COVERAGE



ACCIDENTES EN OBRA
DE CONSTRUCCIÓN



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DUST

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CONSTRUCTION
FALL ACCIDENTS



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May Hammer Helps

Bryan's House

Jim Adler & Associates
May 12 at 8:00 AM ·

Hammer Helps is at it again! This month, we are raising awareness for Bryan's House. Their goal is to provide inclusion, dignity, hope, joy, and access for children with special needs. Jim Adler & Associates will donate \$5 for every like, comment or share to this post, up to \$5,000. Please help us make a difference in the lives of children with special needs. #HammerHelps #BryansHouse #SpecialNeeds #InclusionMatters

168 Likes · 38 Comments · 69 Shares

Like Comment Share

Most relevant

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Thank you for supporting Bryan's House!
Like Reply ·

Dion Davis
Thanks for your support!
Like Reply ·

McKenzie Peterson
Bryan's House has made a huge impact in our lives. The staff treats you like family.
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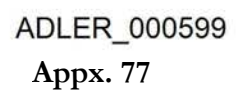
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Such a wonderful way to support those in need! Keep up the good work!
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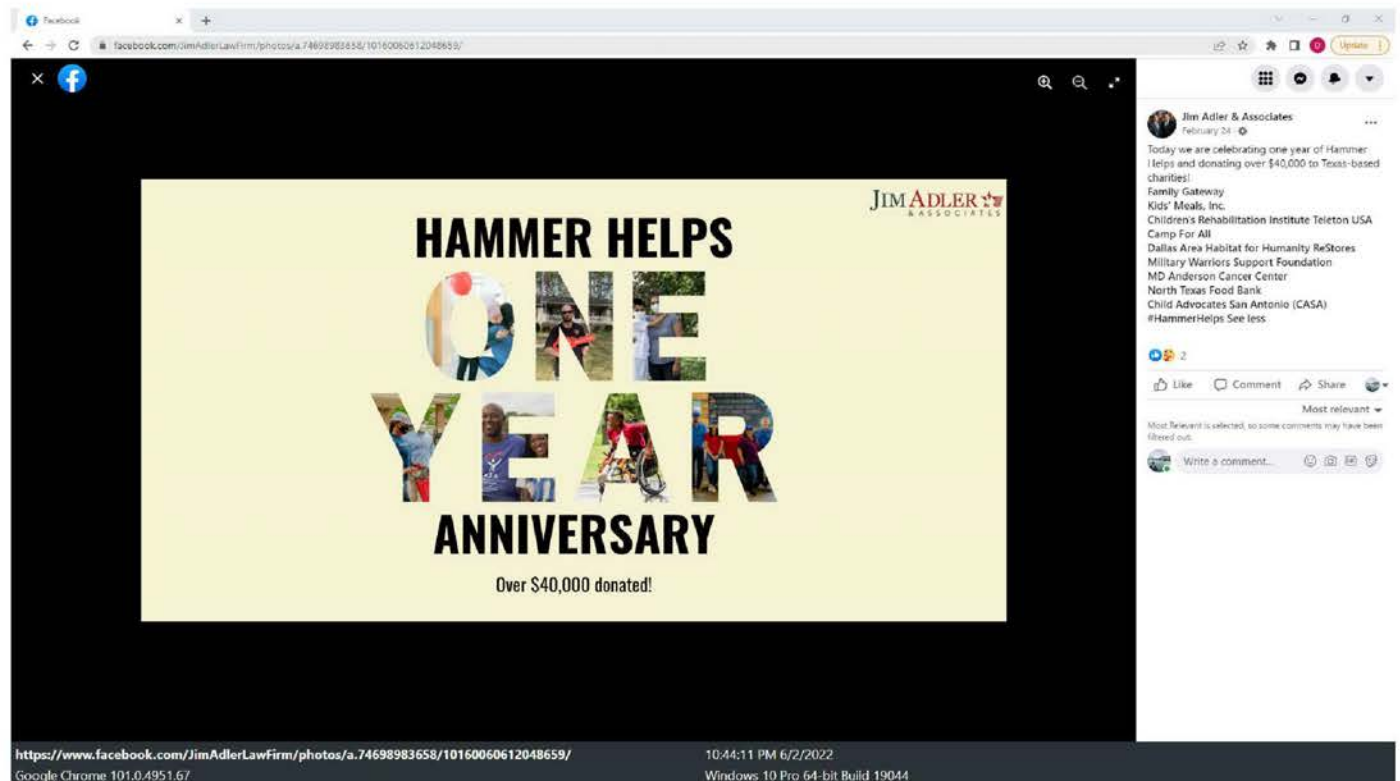
Rebecca Noel Adler
Bryan's House hope this helps!
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10:41:32 PM 6/2/2022
Windows 10 Pro 64-bit Build 19044







Facebook page for Jim Adler & Associates. The page includes a header with the firm's name, a navigation bar with icons for home, messages, and notifications, and a search bar. The main content area features a post about Texas leading the United States with the most big rig and truck accidents, a video of Mayor Sylvester Turner proclaiming JIM ADLER DAY, and a post about the recent tragedy in La Porte, Texas. The left sidebar contains a 'Page transparency' section, 'Related Pages' (Balance of Nature, Swingrill, Guardian Protection), and an 'Add your business to Facebook' section. The bottom of the page shows the URL, browser information, and system details.

Jim Adler & Associates

NEW MARY 18 WHEELER ACCIDENTS FOR HIGHER TRUCK

Texas leads the United States with the most big rig and truck accidents

839 views · 8 days ago

Page transparency

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

Page created · October 22, 2008

Page manager locations: United States, Philippines

Related Pages

- Balance of Nature Health Food Store
- Swingrill Product/service
- Guardian Protection Home security Company

Add your business to Facebook

Showcase your work, create ads and connect with customers or supporters.

Create Page

Privacy · Terms · Advertising · Ad Choices · Cookies · More · Meta © 2022

Jim Adler & Associates July 30, 2021

Mayor Sylvester Turner has proclaimed today to be JIM ADLER DAY! Giving back to the City of Houston over the years has been a true honor. #HappyJimAdlerDay

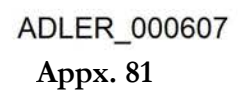
0:08 / 0:36

2 Shares

Jim Adler & Associates July 29, 2021

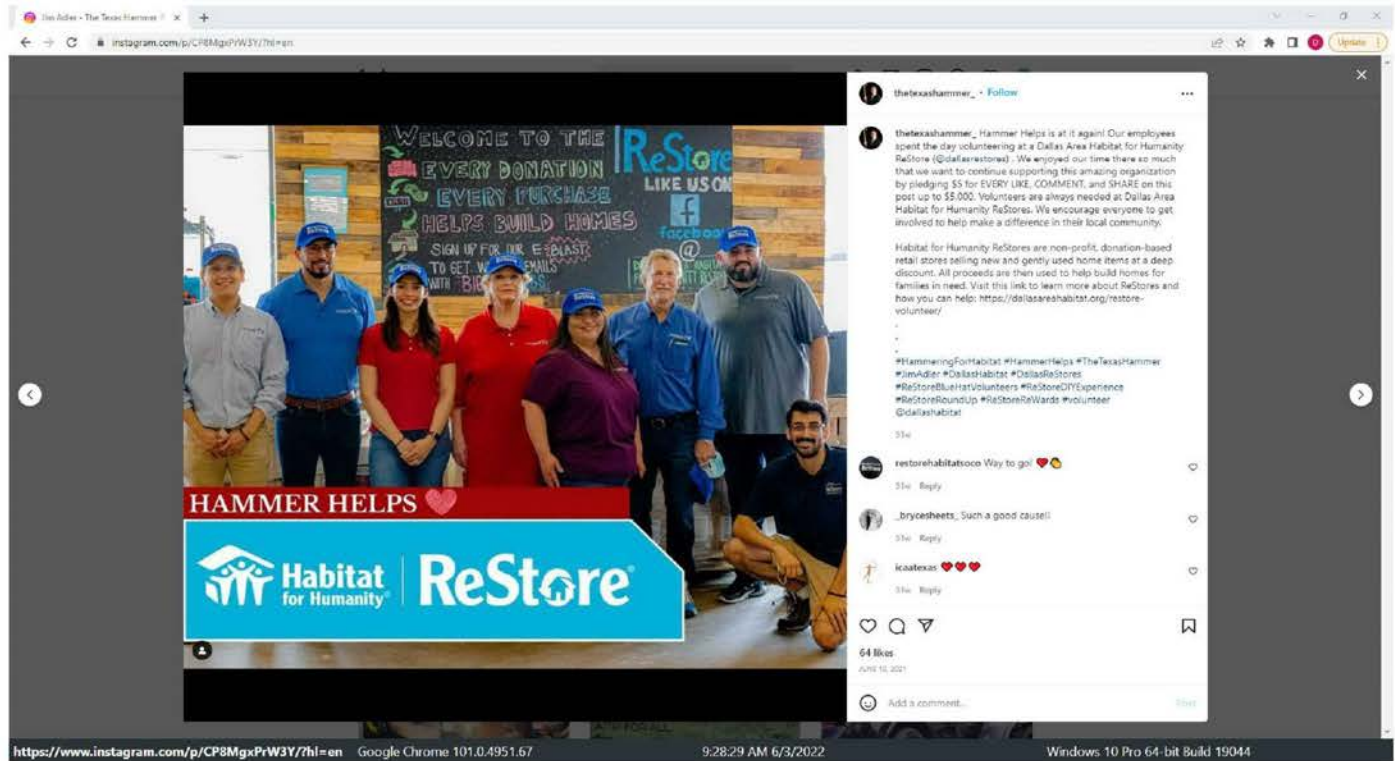
Our hearts go out to all of the victims and their families who were impacted by the recent tragedy in La Porte, Texas. Chemical plant accidents can lead to serious, life-altering, and fatal injuries. Jim Adler & Associates is standing by and ready to help. Call today to get the best representation for your case.

https://www.facebook.com/JimAdlerLawFirm Google Chrome 101.0.4951.67 10:50:15 PM 6/2/2022 Windows 10 Pro 64-bit Build 19044









Facebook post from Teach For America Houston (@TFAHouston) dated March 10, 2021. The post features a large banner image with the text "THERE IS POWER IN RAISING YOUR HAND" in teal and red letters on a dark blue background. Below the banner is the Teach For America Houston profile picture and name, along with a "Send message" button.

The main post content reads:

Teach For America Houston
March 10 · 🌐

Since February 2021, **Jim Adler & Associates** has donated \$40,000 to non-profits across Texas through their Hammer Helps program and this month, TFA Houston was selected as the recipient of their generosity! Please go to the post below and like, share, and comment as each member a \$5 donation up to \$5,000 for TFA Houston!

The post includes a video thumbnail showing students in a classroom raising their hands. The video is titled "March Hammer Helps" and features the logos for "TEACHFORAMERICA" and "Houston".

Below the video, there is a post from **Jim Adler & Associates** dated March 10:

Jim Adler & Associates
March 10 · 🌐

For every like, comment, and share on this post, we will donate \$5, up to \$5,000 to Teach For America Houston! TFA Houston recruits outstanding leaders to teach in high-need schools with the goal of providing all children access to an excellent education.
#HammerHelps #TeachForAmerica #Teachers #Education

The post has 2 likes and 0 comments. Below the post, there is a pinned post from **Teach For America Houston** dated October 18, 2021.

At the bottom of the browser window, the following information is visible:

Google Chrome 101.0.4951.67 9:35:54 AM 6/6/2022 Windows 10 Pro 64-bit Build 19044

Captured by FireShot Pro [27-01-2021, 17:02:49]
https://www.facebook.com/JimAdlerLawFirm/posts/10154043247123659

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1





Jim Adler & Associates

@JimAdlerLawFirm · Lawyer & Law Firm

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Jim Adler & Associates

March 24, 2016 ·

Tonight, on KPRC at 10: Do you trust your automaker to give you important information about safety defects? If so, investigative reporter Joel Eisenbaum has news for you. Joel turned to The Texas Hammer to get his thoughts on defective vehicles and how automakers are reporting those defects to the government.

That's tonight, on KPRC Channel 2 at 10.



KPRC2 Joel Eisenbaum

March 24, 2016 ·

Do you own one of these?

Like

Comment

Share

Write a comment...

Press Enter to post.

OTHER POSTS

Jim Adler & Associates

7 hrs ·

The Jones Act was made to compensate workers for serious injuries they got working on a ship or other vessel. When it was created about 100 years ago, it referred to those workers as "seamen." Under the law, a seaman is someone who spends a significant amount of their work time on a vessel in navigation. This can be complicated. Learn more in this video.



JIMADLER.COM

Who is a Jones Act Seaman?

Learn More

1

Like

Comment

Share

Write a comment...

Press Enter to post.

Captured by FireShot Pro [27-01-2021, 17:02:49]

ADLER_000501
Appx. 86

<https://www.facebook.com/JimAdlerLawFirm/posts/10153739983723659>



OTHER POSTS




Captured by FireShot Pro [27-01-2021, 17:13:33]
https://www.facebook.com/JimAdlerLawFirm/photos/a.74698983658/10153732921728659/






Facebook interface showing a post by Jim Adler & Associates dated November 6, 2015. The post features a large graphic with the text "TEXAS CRIMECAST" in red, a pair of handcuffs, and the text "The Dallas Morning News" at the bottom. The post text reads: "The Texas Hammer, Jim Adler joins Texas CrimeCast to talk attorney ads. Listen NOW on audioboom or iTunes: https://audioboom.com/.../3779705-texas-lawyers-jim-adler...". The post has 2 likes and a comment section with the prompt "Write a comment..." and "Press Enter to post."










Captured by FireShot Pro [27-01-2021, 17:13:33]

Captured by FireShot Pro [27-01-2021, 20:08:37]
https://www.facebook.com/JimAdlerLawFirm/photos/a.74698983658/10153618690093659/

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 Jack 






 **Jim Adler & Associates** Messenger
September 9, 2015 · 

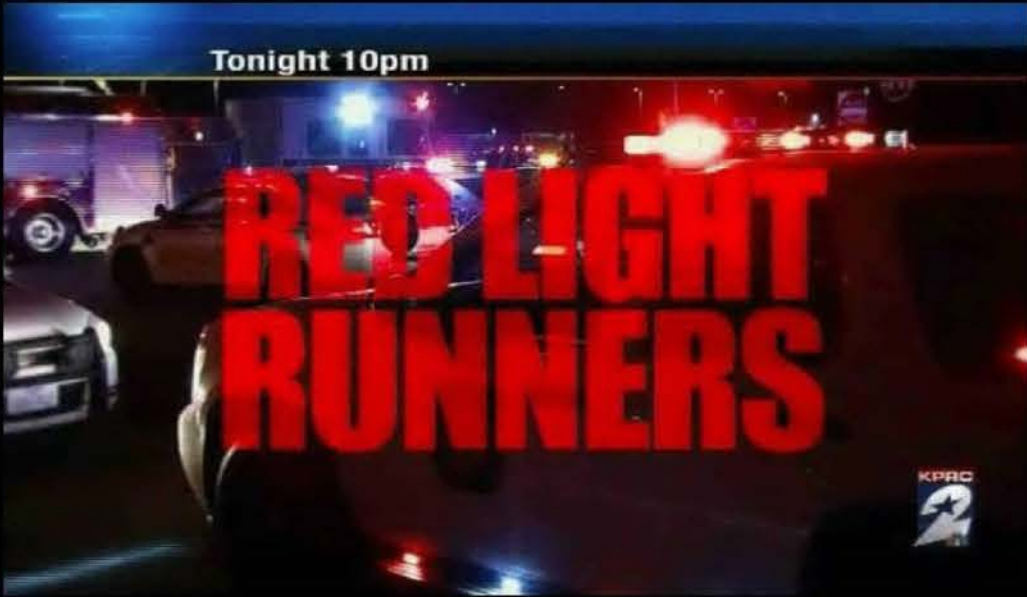
Tonight on KPRC at 10: Red Light Runners. Investigator Bill Spencer breaks down some of the worst spots in Houston.

The Texas Hammer gives his thoughts on the topic.

That's tonight at 10, on KPRC Channel 2 News.

 Like  Comment  Share 

 Write a comment...    
Press Enter to post.

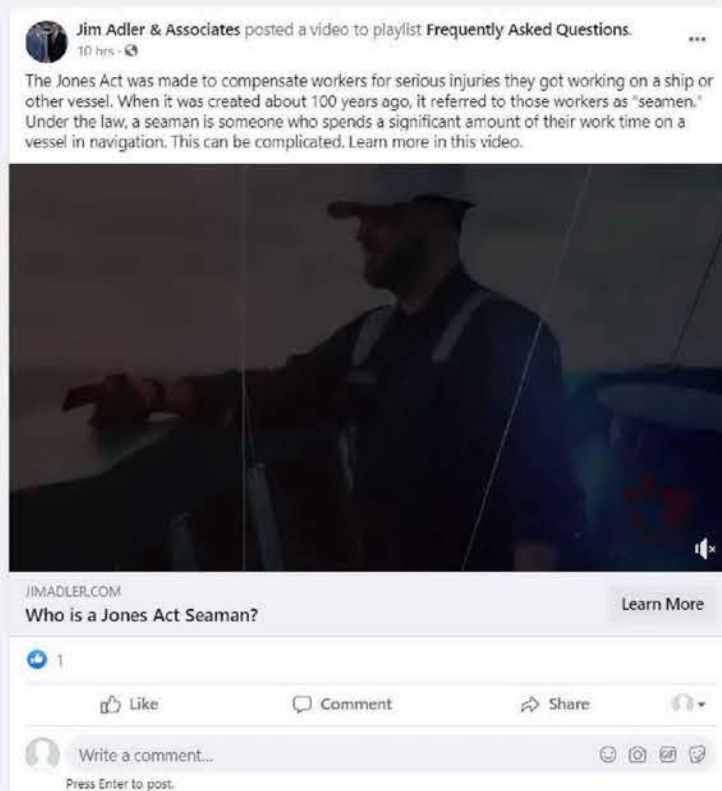


Captured by FireShot Pro [27-01-2021, 20:08:37]


Captured by FireShot Pro [27-01-2021, 20:09:40]
<https://www.facebook.com/JimAdlerLawFirm/posts/10153604437778659>



OTHER POSTS




Captured by FireShot Pro [27-01-2021, 20:09:40]



Jim Adler & Associates

June 10, 2015 · 🌐

A special thank you to Dallas Business Journal reporter Melissa Wylie. Melissa sat down with the "Texas Hammer" today to talk law, legal marketing and success. Look for the article in the Dallas Business Journal soon!



👍 2

1 Share

👍 Like

💬 Comment

➦ Share

👤


👤

Write a comment...

😊 📷 📧 📺

Press Enter to post.

OTHER POSTS




Jim Adler & Associates

11 hrs · 🌐

posted a video to playlist **Frequently Asked Questions.**

The Jones Act was made to compensate workers for serious injuries they got working on a ship or other vessel. When it was created about 100 years ago, it referred to those workers as "seamen." Under the law, a seaman is someone who spends a significant amount of their work time on a vessel in navigation. This can be complicated. [Learn more in this video.](#)



JIMADLER.COM

Who is a Jones Act Seaman?

Learn More

👍 2

👍 Like

💬 Comment

➦ Share

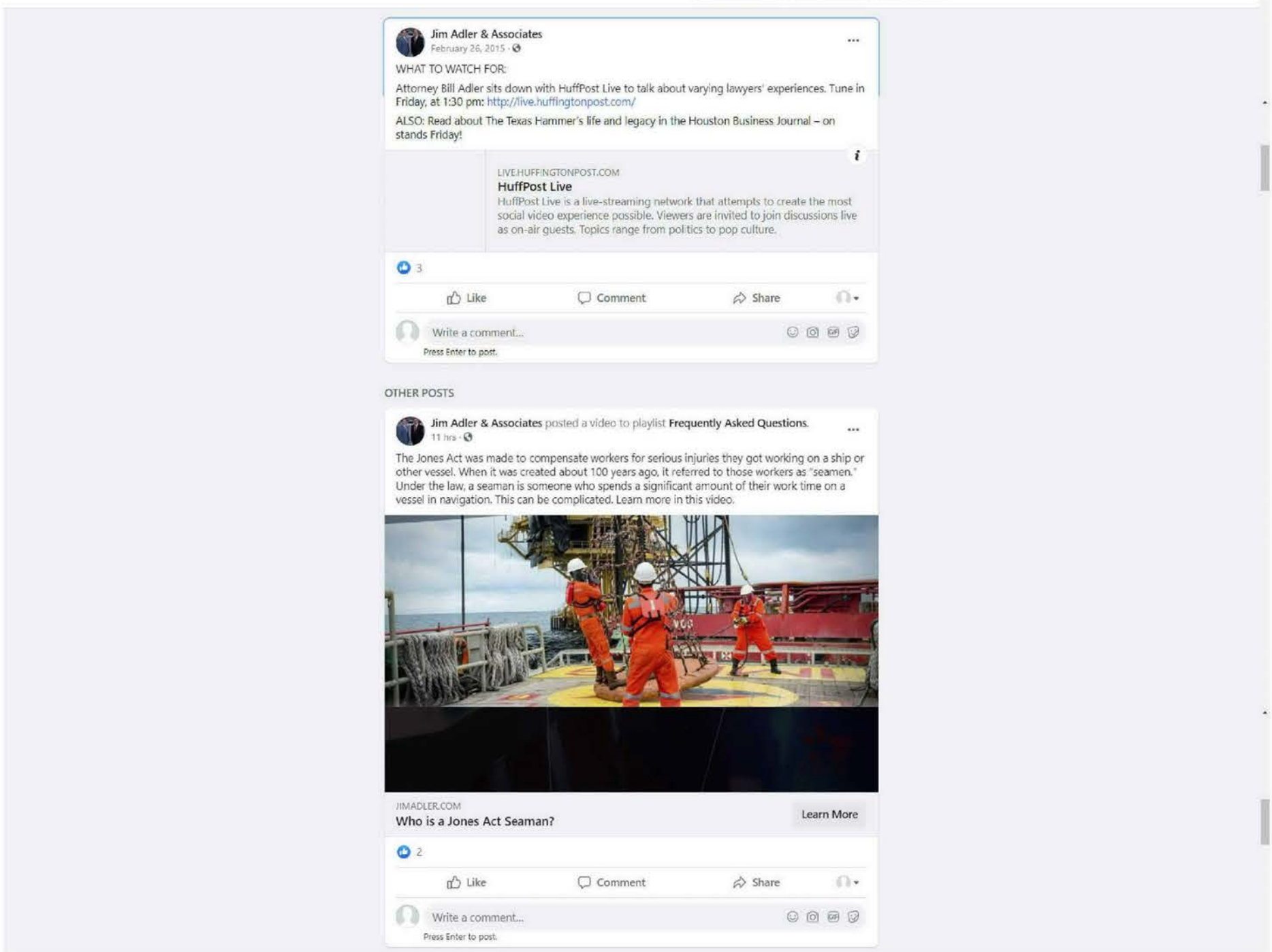
👤

👤

Write a comment...

😊 📷 📧 📺

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Jim Adler & Associates

February 5, 2015 · 🌐

Attorney Jim Adler with Houston Business Journal reporter Suzanne Edwards. She sat down with the Texas Hammer this afternoon to talk about his life, legacy and the success of Jim Adler & Associates. Look for the article in the Houston Business Journal's print and online publications.



20

1 Share

Like

Comment

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Write a comment...

Press Enter to post.

OTHER POSTS

Jim Adler & Associates

posted a video to playlist Frequently Asked Questions.

11 hrs · 🌐

The Jones Act was made to compensate workers for serious injuries they got working on a ship or other vessel. When it was created about 100 years ago, it referred to those workers as "seamen." Under the law, a seaman is someone who spends a significant amount of their work time on a vessel in navigation. This can be complicated. Learn more in this video.



JIMADLER.COM

Who is a Jones Act Seaman?

Learn More

2

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ADLER_000556
Appx. 93

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Jim Adler & Associates

August 29, 2014 · 🌐

Telemundo anchor Martin Berlanga interviews Jim Adler for an investigative story on 18 wheeler accidents.



13

1 Comment · 3 Shares

Like

Comment

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Write a comment...

Press Enter to post.

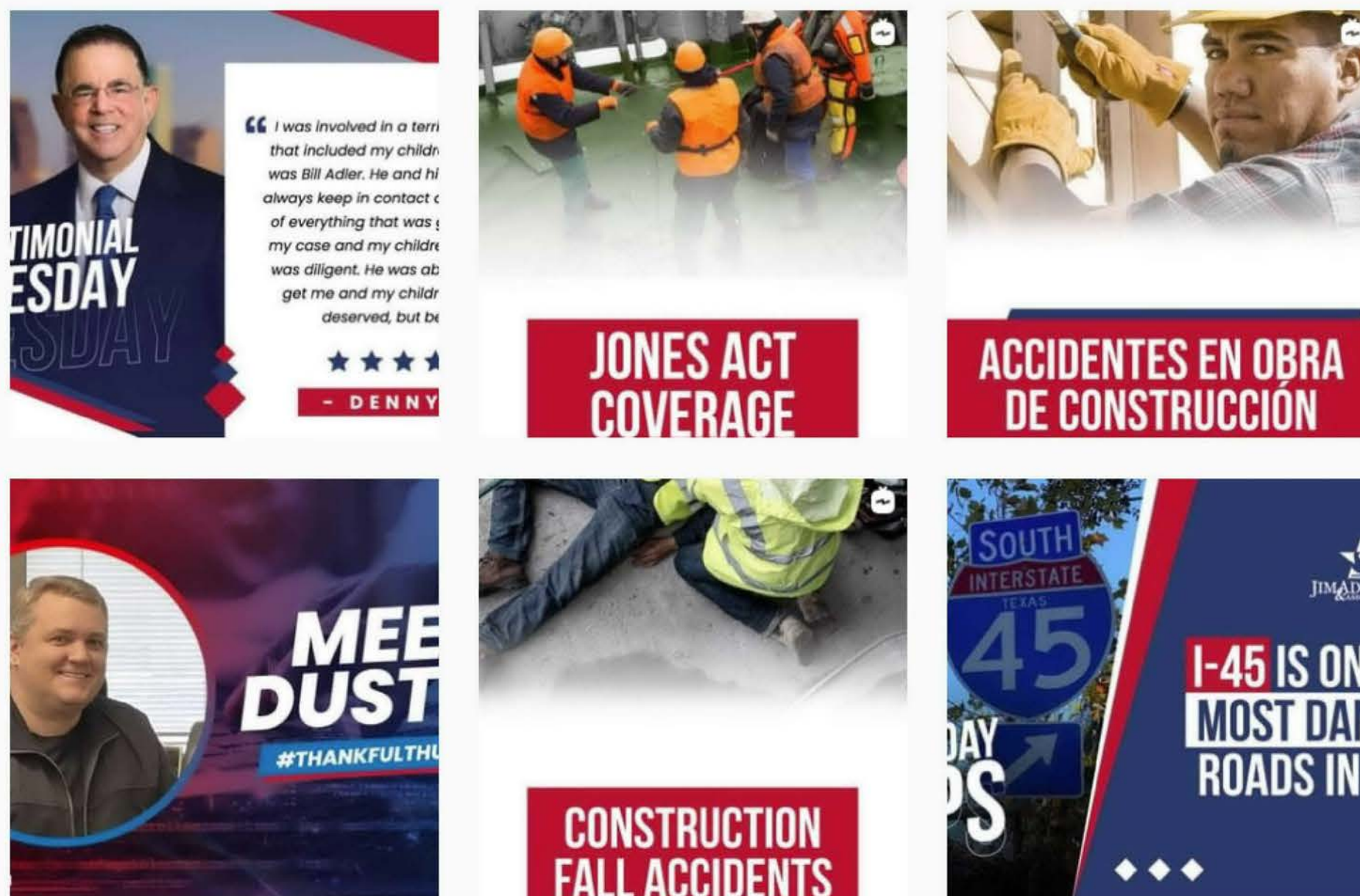
Adrian M. Nieto

Love this. Thanks Jim. Thanks Dineya.

Like · Reply · 🍷

Captured by FireShot Pro [27-01-2021, 21:36:47]

ADLER_000572
Appx. 94



Captured by FireShot Pro [27-01-2021, 00:21:40]
https://www.instagram.com/p/B3IGjmvglNu/

Instagram

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Profile



 jimadlerlawfirm • Follow

 jimadlerlawfirm #TheTexasHammer himself stopped by the #iheartradio studios to record lines for the The Texas Hammer Game! Make sure to listen to the #therodryanshow Monday mornings on #945thebuzz to catch the game!

68w

 nategawd Me and @whatupdayday made a song called Texas Hammer 🔨 if we make a clean version it could be used for a commercial 😊

68w 1 like Reply

 wendyjo79 🔨🔨 awesome

68w 1 like Reply

70 likes

OCTOBER 2, 2019

 Add a comment...

Post

More posts from jimadlerlawfirm



TESTIMONIAL
ESDAY
SDAY

“ I was involved in a term that included my childn was Bill Adler. He and hi always keep in contact c of everything that was my case and my childr was diligent. He was ab get me and my childr deserved, but be

★★★★★
- DENNY



JONES ACT
COVERAGE



ACCIDENTES EN OBRA
DE CONSTRUCCIÓN



MEE
DUST
#THANKFULTHU



CONSTRUCTION
FALL ACCIDENTS



SOUTH
INTERSTATE
TEXAS
45
DAY
OS

I-45 IS ONE
OF THE MOST DANGEROUS
ROADS IN TEXAS

JIMADLER & ASSOCIATES

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English  © 2021 Instagram from Facebook

Captured by FireShot Pro [27-01-2021, 00:21:40]

ADLER_000591
Appx. 96

EXHIBIT 5

(To the Declaration of Diana Rausa)

Page 1
 The Texas Hammer: Lawyer Jim Adler talks advertising and the law - Dallas Business Journal
<https://www.bizjournals.com/dallas/news/2015/06/12/the-texas-hammer-lawyer-jim-adler-talks.html>

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The Texas Hammer: Lawyer Jim Adler talks advertising and the law

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Jim S. Adler & Associates, The Texas Hammer, City Place offices, Dallas

By Melissa Wylie - Staff Writer, Dallas Business Journal
 Jun 12, 2015 Updated Jun 12, 2015 1:00pm CDT

IN THIS ARTICLE

As far as personal injury lawyers go, Jim Adler might be the most well known in Texas.

Jim Adler, "The Texas Hammer," has used an aggressive, memorable advertising campaign to make his law firm a household name in several areas of the state. Since 1973, Jim Adler & Associates has established offices in Dallas, Houston, San Antonio and Channelview.

UNLOCK EVERY ARTICLE

Get Started For Only \$4

GAIN ACCESS TO EVERY LOCAL INSIGHT, LEAD AND MORE!

Become A Member

Adler's specialty is television advertising, where he can be seen scowling and shouting into the camera, letting Texans know he'll fight to get them the settlement they deserve. Sometimes, he's yelling from the top of an 18-wheeler.

Adler's ads have produced a fair number of critics, but they've also helped him grow his business. Jim Adler & Associates employs 311 people, with 80 to 90 employees working at the 32,000-square-foot Dallas office inside the Tower at CityPlace.

Whitehardt Attorney Advertising & Consultants produces the advertisements, which run in five markets near each of the firm's locations. The law offices get calls from people needing a wide range of help, but they're only able to take about 10 percent of the cases.

Adler started filming ads in the 1980s and added Spanish commercials shortly after. He's fluent in

100% luxury.
1/8th the cost.

Pacaso
 Second home ownership
 for 1/8 the cost

[VIEW LISTINGS](#)

RECOMMENDED

FOOD & LIFESTYLE
 "It's gotta be the shoes": Why are Scottsdale nightclubs prohibiting retro sneakers?



COMMERCIAL REAL ESTATE
 2022 Building San Antonio Awards: CyrusOne Texas Research Park



RESIDENTIAL REAL ESTATE
 Tudor-style Elm Grove mansion hits the market for \$4.2M: Open House



SPONSORED CONTENT BY HUMANA

Humana market president on humility and service to others



Page 2
 The Texas Hammer: Lawyer Jim Adler talks advertising and the law - Dallas Business Journal
<https://www.bizjournals.com/dallas/news/2015/06/12/the-texas-hammer-lawyer-jim-adler-talks.html>

Spanish, having learned the language at St. Mark's School of Texas from a British instructor who taught Spanish courses.

He initially took acting lessons to craft his on-air persona. After decades of being in front of the camera, Adler has grown accustomed to most aspects of production. But spending 15 minutes in the make-up chair before each shoot is still his least favorite part.

While marketing is important to Adler, he said his priority is the clients and visiting each office on a regular basis.

"Just because you advertise doesn't mean you can neglect your clients," he said. "I can go on TV and make the best commercial in the world, but if I don't provide top quality service to my clients and call them back and meet their needs in terms of professionalism...they're going to get a raw deal."

How often do you film commercials?

I usually go to Nashville where Whitehardt is two or three times a year to shoot 10 English and 10 Spanish commercials. I have a friend in Hollywood who owns a Spanish network and I shoot Spanish commercials there. He knows a lot of novela stars so he allows me to engage with the novela stars in my commercials. I go out there about once a year.

How much does it cost to make one commercial?

The big productions can cost \$50,000 to \$100,000. The smaller commercials are around \$5,000 or \$6,000. It just depends. Like on the 18-wheeler cases, they're shot on location with huge crews and lots of equipment. They're really costly.

If I do a commercial in English, I want to do the same commercial in Spanish for Spanish-speaking clients. Basically, the same ad just translated into Spanish.

Why did you start marketing toward that community?

I started seeing Spanish TV commercials, and Texas being so immediately adjacent to Mexico, I felt like I was neglecting a huge percentage of the population. And the Spanish community is just huge in terms of economic impact, so I felt they had a huge damage model. It's all about helping people understand their legal rights, so I felt like the community was underserved.

Back in the 1980s I was in partnership with a former U.S. District Judge Robert O'Connor and he was half Hispanic. He and I decided to start advertising on Spanish TV. Univision then became such a powerful network. It was a good way to serve an underserved portion of the community.

Your TV personality comes across as aggressive and angry when in reality you're friendly and welcoming. Is that on purpose?

I think people want a lawyer that they feel is going to fight for them and be tough for them. One thing clients get really mad about is if they even think that you're accepting the insurance company's position, they think you've sold out to the other side or you're taking money under the table from the insurance company. So I portray the image that I'm the tough, smart lawyer. I don't need to sell out to anybody because I'm in the right, and I'm going to fight for you. I think that's what the public wants.

On the other side of the coin, with respect to our clients, I want them treated in a respectful manner and as nice as humanly possible. No one is to be rude our clients.

Do you have any critics of your commercials?

Oh, lots. There's an age-old issue of professionalism in business. How does a lawyer remain professional and yet get business? A long time ago I was a young lawyer and I had four kids and I had an issue of how I was going to put bread on the table. That's where business intersects with professionalism.

The theory behind lawyer advertising is to inform people of their legal rights. People are not educated to what their rights are and there's a big mystery about the law. It's sad. People just don't know their legal rights. Of course, if they did, I'd be out of a job.

What are your strategies for growth?

I'm always trying to grow, trying to do better commercials, trying to reach more people, find out where the audience is, trying to do well on social media. We have a whole Internet department in the firm. Another form of marketing is charity work, return to the community, go out and meet humble people that we can help.

There are talks of your son, Bill, taking over the firm. Are there any transition plans in the works?

He's been a lawyer at the firm for four years. I'm kind of grooming him to take over the firm someday, though I'll probably work another 15 or 20 years. I'm in no mood or hurry to retire because I love what I'm doing.

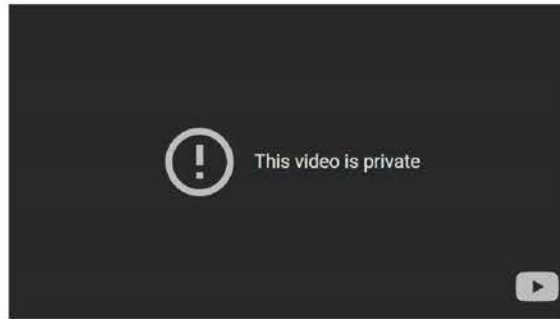
He likes handling his own clients and settling his own cases, but he's getting more involved in management and going to different offices. The next step is getting him transitioned into some of the commercials. I'm really excited about that. Right now, he's a little nervous about being in the public spotlight. I guess there's a certain advantage to being anonymous in society and not having people know who you are. There are even lawyers who don't want to go before a jury and be known as an advertising lawyer because they're afraid there may be a certain stigma to that.

What are the downsides to being so well known through advertising?

People would think the downside is being recognized in public, but people are very respectful of me. They know who I am and I can tell when I'm recognized, but they don't come up to me or bother me or ask for autographs. I think that's a Texas thing. People are very gentlemanly and ladylike and they don't want to impose. They respect my privacy.



Page 3
The Texas Hammer: Lawyer Jim Adler talks advertising and the law - Dallas Business Journal
<https://www.bizjournals.com/dallas/news/2015/06/12/the-texas-hammer-lawyer-jim-adler-talks.html>



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As salary offers soar, here's how much wages are rising in North Texas



'Destined for failure': Congressmen urge Texas Supreme Court to kill bullet train

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Join us as we recognize the companies and their...

JULY 21

40 Under 40 Awards

Come celebrate with us live as we honor the Top...

NOV. 15

Denali Custom Event

Denali Custom Event

SPONSORED CONTENT BY ETAC
Regret or resuscitate? The fate of Texas Tax Code Chapter 313



SPONSORED CONTENT BY THE BUSINESS JOURNAL CONTENT STUDIO
How marketers find game-changing opportunities using market research



elephant insurance

SAVINGS IN SIGHT
Complete your quote

Save \$100/month

elephant insurance

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Save \$100/month

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Page 4
The Texas Hammer: Lawyer Jim Adler talks advertising and the law - Dallas Business Journal
<https://www.bizjournals.com/dallas/news/2015/06/12/the-texas-hammer-lawyer-jim-adler-talks.html>

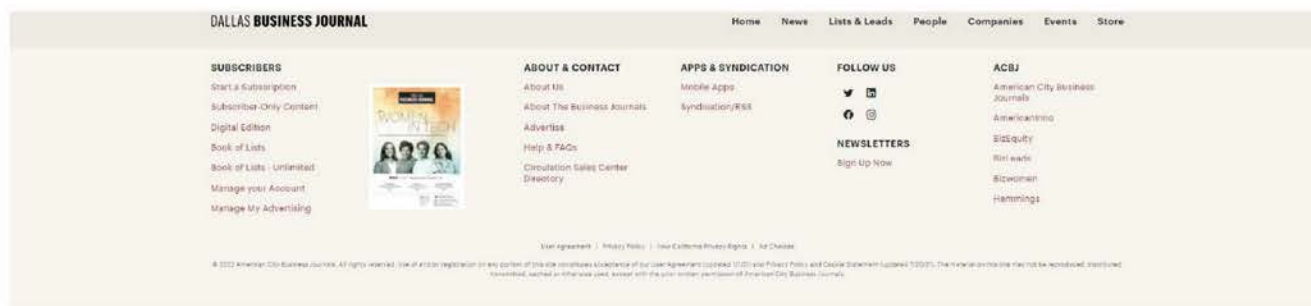



EXHIBIT 6

(To the Declaration of Diana Rausa)

Page 1
The 10 Funniest Local Commercials Ever to Grace Your TV Screen | Dallas Observer
<https://www.dallasobserver.com/arts/the-10-funniest-local-commercials-ever-to-grace-your-tv-screen-11984278>



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Fish, Kitchen & Lighting Gallery

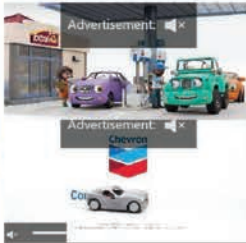
LISTS

The 10 Funniest Local Commercials to Ever Grace Our TV Screens

DANNY GALLAGHER | FEBRUARY 16, 2021 | 4:00AM




Bryan Wilson, aka The Texas Law Hawk, torches an ice sculpture for justice or something. Screenshot by Danny Gallagher




We get it. Making a list about the weirdest and funniest local commercials is doing exactly what advertisers want us to do, sharing their pieces of digital celluloid so more people will see them. In this day and age, when videos of cats juggling, skateboard accidents and unhinged rants from the My Pillow guy dominate our feeds, local commercial filmmakers have got to up the crazy in order to go viral.

We don't care. We still want to celebrate the gems that still make us laugh, intentionally or not.

5 Commercial Vehicles Attack Jim Adler



Watch on  YouTube

1. The Texas Hammer

Captured by FireShot Pro: 27 May 2022, 13:46:36
<https://getfireshot.com>

Page 2
 The 10 Funniest Local Commercials Ever to Grace Your TV Screen | Dallas Observer
<https://www.dallasobserver.com/arts/the-10-funniest-local-commercials-ever-to-grace-your-tv-screen-11984278>

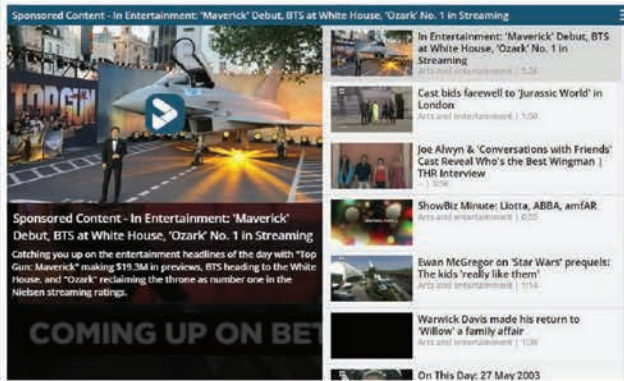
There's only one place to start when it comes to local commercials. The ads for the personal injury law firm of Jim Adler & Associates are stuck in the heads of every Dallas resident with a TV or Internet connection. Adler appears in every ad carrying his special sledgehammer IN A HOLSTER because, of course, he's "The Texas Hammer." Duh. And to his credit, the ads work because they always go viral and even once got an entire "And now..." segment on John Oliver's *Last Week Tonight*.

Adler speaks with the confidence of a coked up high school quarterback just before he takes the field; his personal iambic pentameter requires him to emphasize the word "hammer" regardless of the context. Practically all of his commercials feature him – and sometimes his son and law partner Bill Adler – screaming near the top of their lungs at semi-trucks who are too frightened to run him down or even be in his presence. We don't know what semi-trucks did to him to when he was a kid, and frankly, we never want to know.

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Sponsored Content - In Entertainment: 'Maverick' Debut, BTS at White House, 'Ozark' No. 1 in Streaming



In Entertainment: 'Maverick' Debut, BTS at White House, 'Ozark' No. 1 in Streaming
 Arts and Entertainment | 5:26

Cast bids farewell to 'Jurassic World' in London
 Arts and Entertainment | 1:58

Joe Alwyn & 'Conversations with Friends' Cast Reveal Who's the Best Wingman | THR Interview
 Arts and Entertainment | 1:38

ShowBiz Minute: Lizzo, ABBA, amfAR
 Arts and Entertainment | 6:52

Ewan McGregor on 'Star Wars' prequel: The kids 'really like them'
 Arts and Entertainment | 1:14

Warwick Davis made his return to 'Willow' a family affair
 Arts and Entertainment | 1:38

On This Day: 27 May 2003

COMING UP ON BET

I SUPPORT LOCAL

SUPPORT THE INDEPENDENT VOICE OF DALLAS AND HELP KEEP THE FUTURE OF DALLAS OBSERVER FREE.

SUPPORT US

Bryan Wilson, Texas Law Hawk on Joe: Christmas Commercial



Watch on  YouTube

Page 3
 The 10 Funniest Local Commercials Ever to Grace Your TV Screen | Dallas Observer
<https://www.dallasobserver.com/arts/the-10-funniest-local-commercials-ever-to-grace-your-tv-screen-11984278>

2. The Texas Law Hawk

Adler has a competitive adversary who also thirsts so much for justice that he has to get it out of his system or he'll explode like the bus in *Speed*. Criminal defense attorney Bryan Wilson of Fort Worth calls himself "The Texas Law Hawk" and his commercials play like a PG-version of the film Alex had to watch to cleanse himself of his homicidal tendencies in *A Clockwork Orange*.

Wilson is a DFW fixture, and has even gained international fame thanks to a **BBC News story** that called him "the loudest lawyer in America" and an appearance in a Taco Bell commercial that ran during the Super Bowl. His commercials aren't just promises to get his clients ... actually, it's not quite clear what, or how he'll even do that. Unless, of course, part of the American judicial system involves yelling every opening and closing statement like a professional wrestler and taking a flamethrower to an ice sculpture of a hawk. Wilson calls himself a "hawk" but by torching one, is he saying he'll fight other legal hawks or is he expressing some kind of repressed self-hostility at his judicial spirit guide? Either way, it's one of the most hilarious cries for help we've ever seen.



3. Westway Ford's Joe Greed and The Ultimate Warrior

The late 1980s featured one of the strangest Dallas partnerships since the Texas Rangers partnered with Death by selling a **literal stack of nachos** to fans. Car-selling spokesman and oversized novelty sunglasses wearer Joe Greed somehow contracted WWF superstar wrestler The Ultimate Warrior to appear in a series of bizarre commercials for his Westway Ford dealership.

The commercials feature the pair testing out hypnosis, pulling off a jail break and begging customers to buy cars that have been stained in a sudden snail attack. This will make complete sense if you watch it all the way to the end (sort of). We won't be held responsible when your shoulders cave in on themselves during the big reveal.



Captured by FireShot Pro: 27 May 2022, 13:46:36
<https://getfreeshot.com>

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4. Rodney D. Young's Young Amigos

Watching a local commercial try to capture the magic of a hit movie is like watching your dad dance to his favorite song when you're a kid. You can't tell if you want it to stop or study it closer so you'll hold the memory forever.

The local insurance agency tried to recreate *The Three Amigos*, the Western comedy starring Steve Martin, Chevy Chase and Martin Short, with its own bedazzled sombrero wearing trio called (wait for it) The Young Amigos. Instead of using their showmanship talent to save a small village from a mad Mexican bandit, these Amigos use their knowledge of monetary threshold trends and the maximum assessment rate of the gross premium (it's **.2 percent**, by the way) to make high premiums die like dogs. Yeah, it doesn't stick the landing well but the attempt is hilarious.



5. The Trophy Nissan Rap

Every major advertising market in the country has at least one car dealership, worship center, notary public, gun store or actuarial firm that attempted to cash in on the rise of hip-hop in the '80s by doing a "rap" about what it can do for its customers.

Dallas had its own when Trophy Nissan rapped about its car dealership in a manner so cringeworthy it could make Jake Paul question the musical motives that birthed their now famous crowd-shouting jingle. There's no need to describe it because everyone who's been to a karaoke night on a weekday has seen some from of this already. Some drunk guy in a suit gets up and grabs the mic because the 12 whiskey sours inside him are telling him he can take on Eminem's "Rap God" if he just focuses hard enough and reduces his vision from double to single. It's basically that, but the rhythm is waaaaay slower and all the lyrics are about cars and low prices.



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6. Dallas Dodge's Skateboarding Bulldog

Animals using vehicles is a trend almost as old as television itself – and it never ages. It's still just as amusing to see that intrepid, water skiing squirrel, whether it's filler for a local news broadcast or a hallucination brought on by a lack of sleep.

Dallas Dodge employed this time honored tactic in one of its more recent ads. They found a bulldog that can skateboard! That's pretty much the whole hook and, to their credit, they don't see the need to add anymore to it. They didn't dress it up in a Hawaiian tourist outfit and make it look like its surfing or stick it in front of a green screen and make it look like he's competing with Tony Hawk in the X Games. It's just a skateboardin' bulldog followed by the usual car dealership pitch. If The Texas Hammer found this little guy or gal, he'd go overboard and make it fight a semi-truck, which would completely miss the point.



7. Debbie Georgatos' Dallas Republican Party Chair Ad

This one was hard to find and when you watch it, you'll realize why. Debbie Georgatos ran for the Dallas GOP Chair seat back in 2011 and the ad she chose to run veers back and forth from hilarious to horrifying, like a lost driver trying to pick an exit at the very last minute.

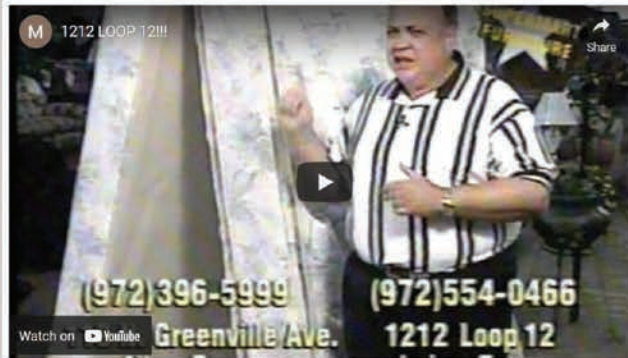
She starts by talking while not looking into the camera – even though there either two cameras in the room – with one camera filming her from every possible wrong angle except from the view of the ceiling. The first half (which you can see on [Archive.org](https://archive.org)) features footage of a baby elephant getting sprayed with a hose and the creepiest parts of Charlie Chaplin's *Modern Times* to illustrate ... those dang Democrats? We don't know. It looks like a last-minute student film for a graduate student with poor planning skills. Apparently, we're

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not alone in our impressions because Georgatos lost the election after the video grabbed the attention of the national media, including CNN's Anderson Cooper who put it on his "Ridiculist," and even global media like the Canadian Broadcasting Company's **George Stroumboulopoulos**.



8. Supermart Furniture

The 1212 Loop 12 guy is revered in Dallas media culture for more than just his catchy address. It appears to be a simple, locally produced commercial for a furniture store – but there are so many fascinating layers to peel off, like a tie-dyed onion.

For starters, the spokesman seems to be trying to make "gotta gotta gotta" his catchphrase when the address just overshadows it. His arm movements are strange and almost hypnotic; they only move at the elbow and seem like he's been instructed to do a robot dance instead of using public speaking skills, through some kind of bizarre night school mixup. Then, he just topples over and lets the mattresses he's hawking break his fall. He doesn't say anything about "dropping prices" or how deals are just "falling out of the sky." He just falls over while reciting his script. Did he do it on purpose? Was it an accident the editors just left in the final cut on purpose? Why are our heads hurting right now?



9. Zak's

Bizarre is just the foundational description for this arts and craft supply store ad with "three convenient locations." Bewildering doesn't begin to describe it. In fact, there isn't a word in the English language that can conceptualize it altogether so we'll just make one up: "incredulumonescient."

The ad features composer John Williams' iconic *Jaws* theme playing in the background from beginning to end even though there are no sharks anywhere to be seen in any frame of the ad ... unless that's what they want you to think. Then there's the whole hook about how the store's prices are so low that "it hurts" and

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which apparently causes the ad's star to be impaled in the head with an oversized novelty pencil. Maybe this isn't an invitation to come to the store but a thin attempt at warning people to stay away – the way a hostage might try to communicate cryptically in a recorded ransom demand. Maybe he's really saying, "Stay away! For the love of God! Zak's is cursed! Not only will you be impaled with sharp arts and crafts that are as low as 90 percent off but you'll be required to pay for them before paramedics can take you out of the store!"



10. Fast Forward

There is nothing that sums up societal values in America in the 1980s better than this ad for a mall clothing store. Move over *Wall Street*.

The guy's a nerd and society shuns him for being an individual who values knowledge and enlightenment over flashy excess. The only thing that can save him is a store selling flashy excess in the form of poofy jackets, day-glo t-shirts and horizontally stitched sports jackets that can magically give him a cool car, a hot girlfriend and a blow-dried man-perm. This ad is one of the chief reasons we have anti-depressants now.

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DANNY GALLAGHER has been a regular contributor to the *Dallas Observer* since 2014. He has also written features, essays and stories for MTV, the *Chicago Tribune*, *Maxim*, *Cracked*, *Mental Floss*, *The Week*, CNET and The Onion AV Club.

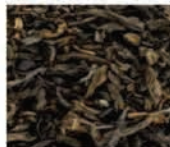
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- **A Vicious Fight at Arlington Mall Goes Viral and Turns Into Rumors About a Shooting**
- **A Dallas Drag Queen Outdid the Thunderstorm By Performing in the Rain**
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- **Gifts For Grads**



Diabetics: Keep Your Blood Sugar Under 90 (Doing This)

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MD: If You Have Dark Spots, Do This Immediately (It's Genius!)

GundryMD

EXHIBIT 7

(To the Declaration of Diana Rausa)

Mattress Mack Is The New Rocket

thedreamshake.com/2017/8/31/16231608/mattress-mack-is-the-new-rockets-owner-houston-d...



a Houston Rockets community

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Mattress Mack Is The New Rockets Owner Houston Deserves

0 COMMENTS


Mattress Mack's anything for Houston hurricane response proves he's the new owner the Rockets deserve.

By Max Croes | @CroesFire | Aug 31, 2017, 3:11pm CDT |

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MOST READ



DeSagana Diop heads to Knicks, Rockets to have three new assistant coaches



Gallery Furniture saves the city of Houston



Listen to this article



Gallery Furniture **saves you money** the City of Houston?

There's countless heroes of the most damaging flood in American history. From first responders working without rest, to stranded health care professionals who stayed with their patients, to community heroes who turned jet skis, inner tubes and blowup mattresses into a means of rescue.

Somewhere in this mix of heroics, kinship and help-thy-neighbor is Jim McIngvale, or as Houston knows him... Mattress Mack.

To anyone who has spent more than an hour watching TV in Houston you know Gallery Furniture "saves you money."

Same that you know **Casa Ole is "fresh today," Suit Mart has "suits and a whole lot more," Hilton Furniture declares "that's a fact jack" and Jim Adler is the "Texas Hammer."**

If Mattress Mack has an undeniable claim to fame it's his three decades of local commercials which rest somewhere between **Chuck Testa** and the **Micro Machines guy**.

This week the ubiquitous TV commercial personality **with a panache for headlines** reached new heights when he opened the doors to his furniture showrooms. Doing so transformed his local celebrity into housing for displaced families, a place for National Guard members to sleep and hot meals for first responders.

Suddenly Mack's name is in the headlines of **CNN, NPR** and **Esquire** (despite his known **willingness to wear a mattress suit**).

And now it's clear as day... Mattress Mack is the **Houston Rockets** owner the city deserves (other than Les Alexander of course).

The multimillionaire has spent nearly his entire career catering to Houston. So much so, he's never left the market. Despite owning the nation's highest grossing per-square-foot independent furniture store he's stayed in the Bayou City and given back to it.

Seemingly distraught by the cultural relevance of Dallas' Cotton Bowl, Mack



Jalen Green and Bill Simmons "Clear The Air"



Is Paolo Banchero a fitting choice for Rockets?



Should the Rockets trade down?

The Dream Take Podcast: Jalen Green and Bill Simmons Podcast Reaction
#PrayForUvalde

helped establish a college football bowl game in Houston, the **Galleryfurniture.com** Bowl now known as the Texas Bowl.

When the Houston Dynamo made the 2006 MLS Cup Final in Dallas Mack paid for buses to take fans to and from the game free of charge.

When an arsonist tried to burn one of Mack's properties he responded **by offering \$300,000 worth of furniture** to the Houston Fire Department as a thank you.

Chances are you've come across a USO station in an airport refurbished by Mattress Mack who made it a pet project to provide better accommodations for traveling military members. His philanthropic efforts **were even recognized by President George H.W. and Barbara Bush** when he was awarded a Point of Light Award.

The showman **once lost \$4 million to his own customers** who he bet the dismal Astros wouldn't win 63 games. They did and Mack refunded 500 customers their entire purchase.

Mattress Mack fits the bill of the ideal owner. He has Steve Ballmer enthusiasm, a love of Houston and a willingness to lose money if it puts on a good show. He arguably deserves to own the Houston Rockets.

This thought comes with a million corollaries. Perhaps he'd meddle too much or wouldn't trust Daryl Morey. His affinity for the outrageous could include **a pitch for playing 4-on-5 defense**. All these things and countless more could be true.

But right now it's tough to think of someone who has their heart and soul in the right place more than Mack.

There of course is a catch. Mack **declared his interest in buying the team** when the sale was announced, but was realistic about his need for a large ownership group.

At an estimated net worth of \$70 million Mack could only fit into a complex and sprawling ownership group, not buy the team as an outright owner. Perhaps an irony of staying exclusive to Houston is not having the means to own the Rockets.

The unannounced price for the Rockets is hovering at \$2 billion. And while Mack has done quite well, nearly 40 years of selling affordable furniture in a single metropolitan area can't be turned into a professional sports team.

This reality doesn't mean he's not the owner the Rockets deserve at this point.

Full disclosure: The author of this article owned Gallery Furniture furniture.

For a desk and dresser. The desk is the Andre Simon Gallery. I arrived home growing up. Yes, it arrived the night it was purchased. Yes, it saved us money. And, yes, I got a free Houston Rockets basketball with the desk and dresser.

MORE FROM THE DREAM SHAKE

DeSagana Diop heads to Knicks, Rockets to have three new assistant coaches

Jalen Green and Bill Simmons "Clear The Air"

The Dream Take Podcast: Jalen Green and Bill Simmons Podcast Reaction #PrayForUvalde

Is Paolo Banchero a fitting choice for Rockets?

The Dream Take Podcast: Our 300th Episode Celebration!!!

Should the Rockets trade down?



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Be respectful in your interactions with contributors and fellow fans. [Go here to read our full community guidelines.](#)

Some tips for using this platform:

- Your comment history now lives under the My Profile tab above this message. You can also select 'auto-unfurl all gifs/images' there
- Switch to Oldest First / Most Rec'd First by changing the 'Sort By' option
- To embed Twitter/YouTube, just paste the URL and select ADD TWEET/VIDEO
- Control-b = Bold. Control-i = Italics. Control-Enter submits your comment
- Click/tap on the username of someone who annoys you to Ignore them
- Click/tap "in reply to" to see the comment it's replying to
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11:00:11 AM 5/27/2022

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EXHIBIT 8

(To the Declaration of Diana Rausa)

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EXHIBIT 9

(To the Declaration of Diana Rausa)

FILED UNDER SEAL

EXHIBIT 10

(To the Declaration of Diana Rausa)

FILED UNDER SEAL

EXHIBIT 11

(To the Declaration of Diana Rausa)

McNeil Consultants LLC is no longer an operating business, it was formerly dissolved in May 2019. McNeil Consultants performed consulting services for personal injury law firms such as intake training, advertising, and case management.

INTERROGATORY NO. 3: Identify any and all companies or other legal entities or assumed names under which you currently do, or have in the past done, business during the last ten (10) years.

ANSWER:

Defendants object to this Interrogatory as overbroad in time and scope, irrelevant, not calculated to lead to the discovery of admissible evidence, and disproportionate to the needs of the case to the extent that the request is not limited to legal entities that bid on or purchased the alleged Adler Marks as advertising keywords or time periods in which such bidding or keyword purchasing occurred. To the extent this Interrogatory seeks information about Ms. Mingee personally, Defendants object that the foundation of the Interrogatory is misleading; Ms. Mingee is not a company or a legal entity, and she has not personally done business under an assumed name. Defendants limit their response to the aforementioned limitations.

Subject to and without waiver of the foregoing objections and limitations, Defendants respond that McNeil Consulting, LLC and Quintessa Marketing, LLC both do or have done business as “Accident Injury Legal Center” and “Car Accident Helpline.”

INTERROGATORY NO. 4: Identify all clients for whom you have referred leads related to or arising from any accident or injuries occurring in the State of Texas.

ANSWER:

Defendants object to this Interrogatory as overbroad in time and scope as it seeks “all clients” without reference to any specific subject matter in dispute or any particular date range. Defendants also object that this Interrogatory is harassing, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, and disproportionate to the needs of the case. It is an impermissible fishing expedition as the identity of Defendants’ clients have no bearing on the causes of action in this case. Defendants further object to this Request to the extent it requires Defendants to disclose internal trade secret and other confidential information of the company.

AMENDED ANSWER:

Subject to and without waiver of the foregoing objections, Defendants will provide a list of attorney customers in Texas to be produced in a separate interrogatory response labeled Attorneys’ Eyes Only.

INTERROGATORY NO. 5: Identify all persons who participated in the decision to purchase, cause to be purchased, and/or use the Adler Marks as keywords, and which lawyer or law firm you refer or have referred cases based on Keyword Advertisements triggered by any of the Adler Marks.

INTERROGATORY NO. 13: Identify any disputes (demand letters, lawsuits, etc.) between you and any third-party involving (a) allegations of trademark infringement and/or (b) Keyword Advertisements.

ANSWER:

Defendants object to this Interrogatory as overbroad in scope, harassing, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence as it is an impermissible fishing expedition, and disproportionate to the needs of the case as any disputes between Defendants and any third party has no bearing on the causes of action in this case.

AMENDED ANSWER:

Subject to and without waiver of the foregoing objections, Defendants will identify lawsuits and produce non-privileged demand letters responsive to this request. Investigation is ongoing and Defendants will supplement this response once the responsive disputes have been identified.

INTERROGATORY NO. 14: Identify all persons who participated in any way in the preparation of the answers or responses to these interrogatories and state specifically the area of participation of each such person.

ANSWER:

Defendants object to this Interrogatory because it seeks information protected from disclosure by the attorney client, work product, and other applicable privileges.

Defendant responds by identifying Lauren Mingee who made and verified these answers. Withholding statement: Information responsive to this request is withheld under the attorney-client and work product privileges.

AMENDED ANSWER:

Defendants respond by identifying Lauren Mingee who made and verified these answers with the assistance of her counsel, Christopher Schwegmann, Rebecca Adams, and Barira Munshi.

DATE: March 11, 2022

Respectfully submitted,

/s/ Rebecca L. Adams
Christopher J. Schwegmann
Texas Bar No. 24051315
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radams@lynnllp.com
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Telephone: 214-981-3800

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MCNEIL CONSULTANTS, LLC,
D/B/A ACCIDENT INJURY LEGAL
CENTER, QUINTESSA MARKETING,
LLC, D/B/A ACCIDENT INJURY
LEGAL CENTER, AND LAUREN VON
MCNEIL

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2022, a true and correct of the foregoing document was served *via email* upon all counsel of record:

/s/ Rebecca L. Adams

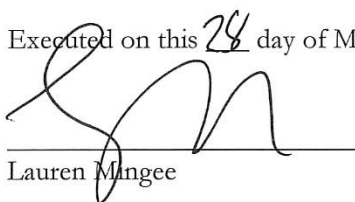
Rebecca L. Adams

VERIFICATION

STATE OF Oklahoma
COUNTY OF Oklahoma

I, Lauren Mingee, make this Declaration under oath pursuant to 28 U.S.C. Section 1746. I was the sole owner of McNeil Consultants, LLC d/b/a Accident Injury Legal Center, and I am currently the sole owner of Quintessa Marketing, LLC d/b/a Accident Injury Legal Center. I have read the foregoing document, Defendants' First Amended Objections and Answers to Plaintiffs' First Set of Interrogatories. I declare under penalty of perjury that the contents of the foregoing are true and correct.

Executed on this 28 day of March, 2022.



Lauren Mingee

EXHIBIT 12

(To the Declaration of Diana Rausa)

FILED UNDER SEAL

EXHIBIT 13

(To the Declaration of Diana Rausa)

FILED UNDER SEAL

EXHIBIT 14

(To the Declaration of Diana Rausa)

FILED UNDER SEAL

EXHIBIT 15

(To the Declaration of Diana Rausa)

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EXHIBIT 16

(To the Declaration of Diana Rausa)

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EXHIBIT 26

(To the Declaration of Diana Rausa)

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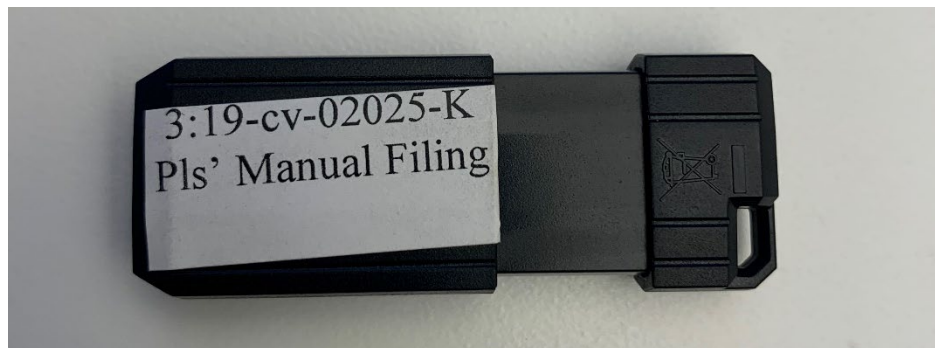


EXHIBIT 26

(To the Declaration of Diana Rausa)

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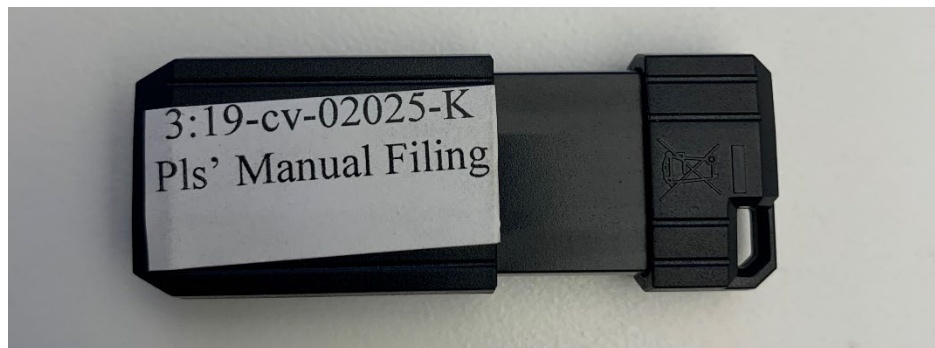


EXHIBIT 26

(To the Declaration of Diana Rausa)

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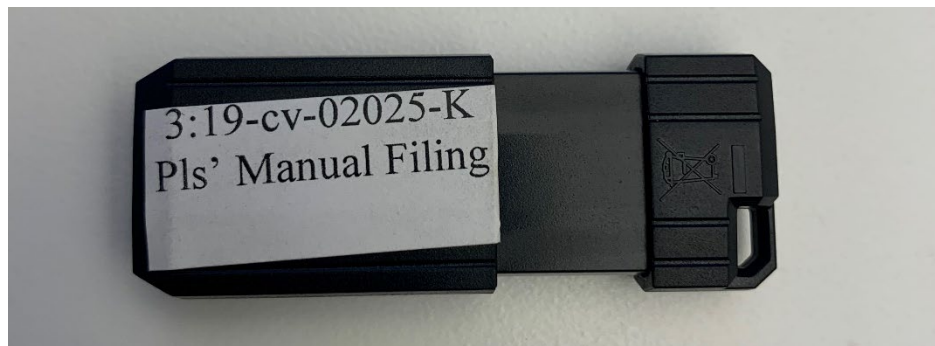


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(To the Declaration of Diana Rausa)

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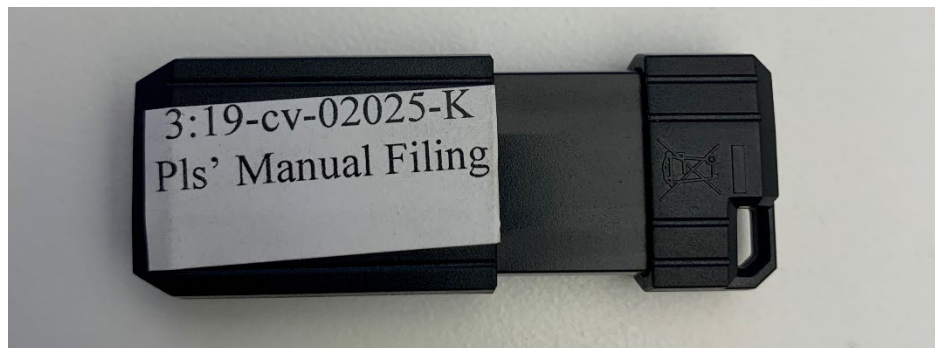


EXHIBIT 26

(To the Declaration of Diana Rausa)

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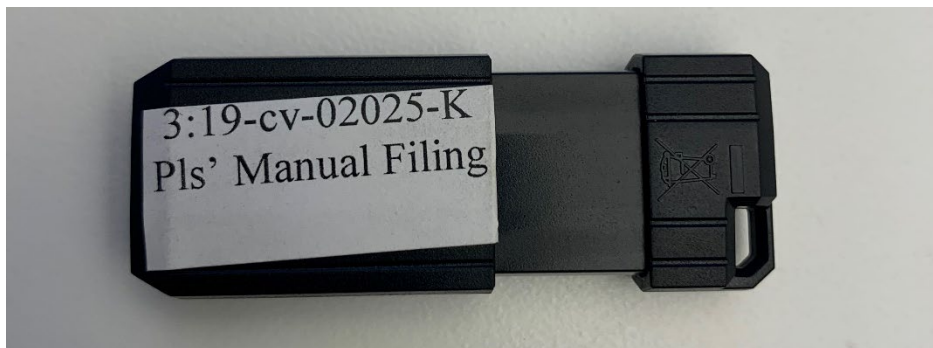


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(To the Declaration of Diana Rausa)

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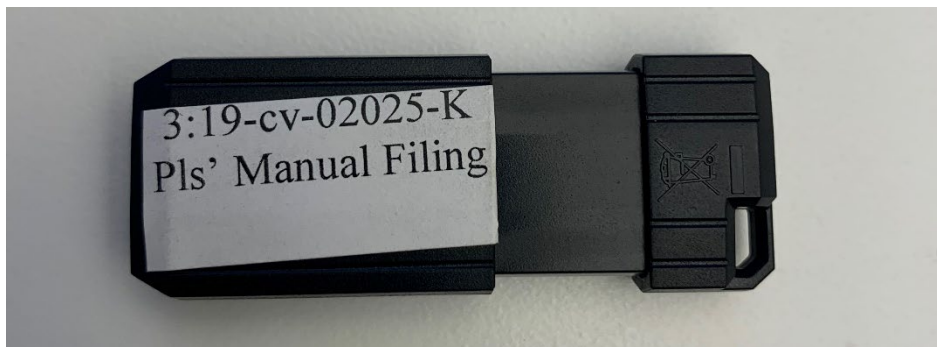


EXHIBIT 26

(To the Declaration of Diana Rausa)

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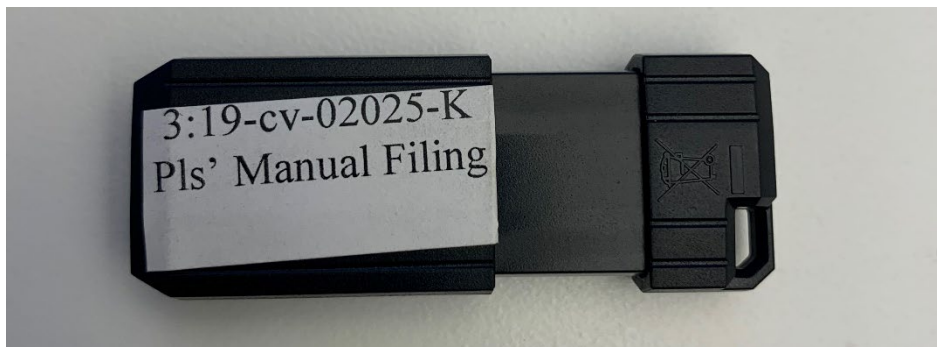


EXHIBIT 26

(To the Declaration of Diana Rausa)

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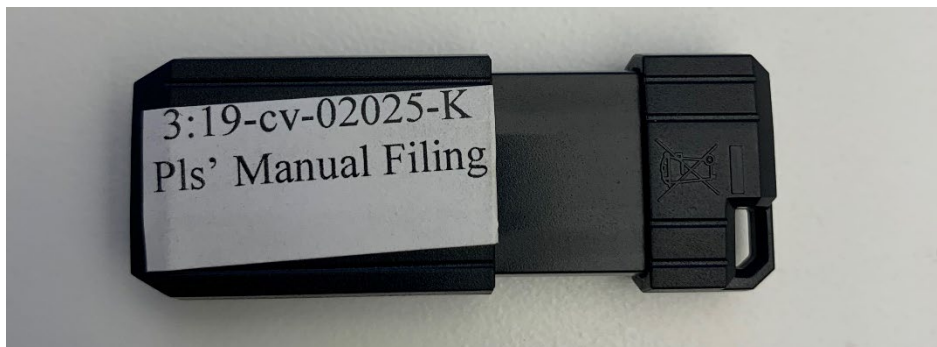


EXHIBIT 26

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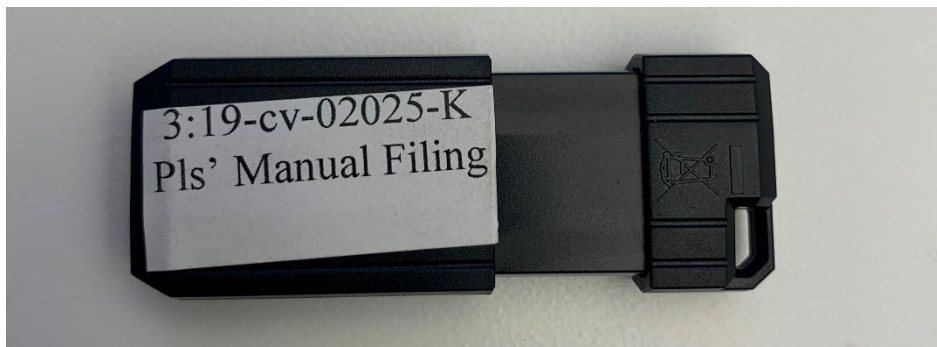


EXHIBIT 26

(To the Declaration of Diana Rausa)

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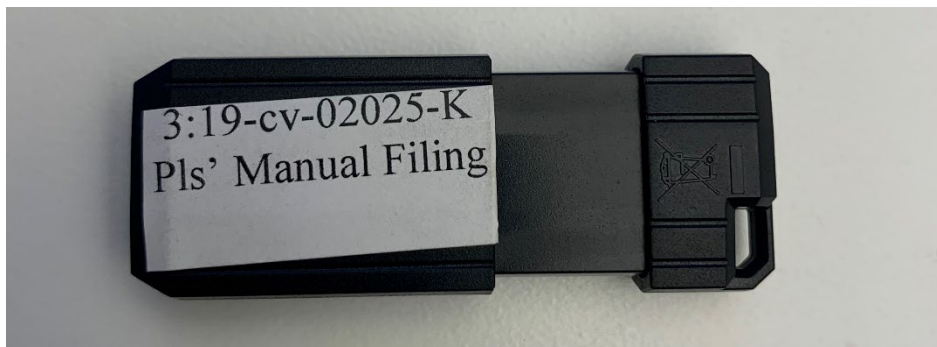


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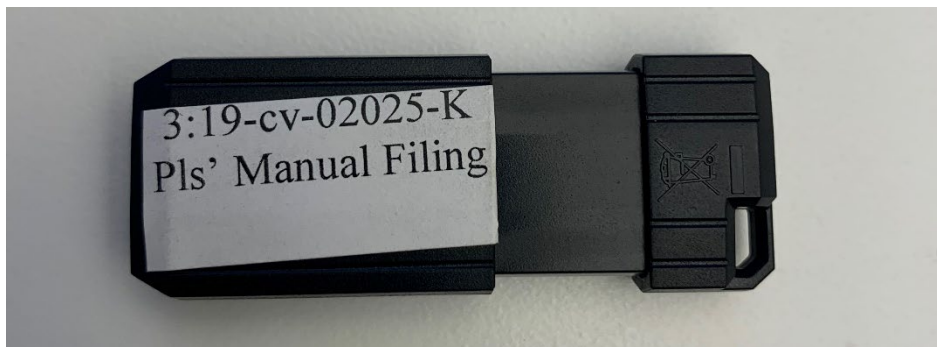


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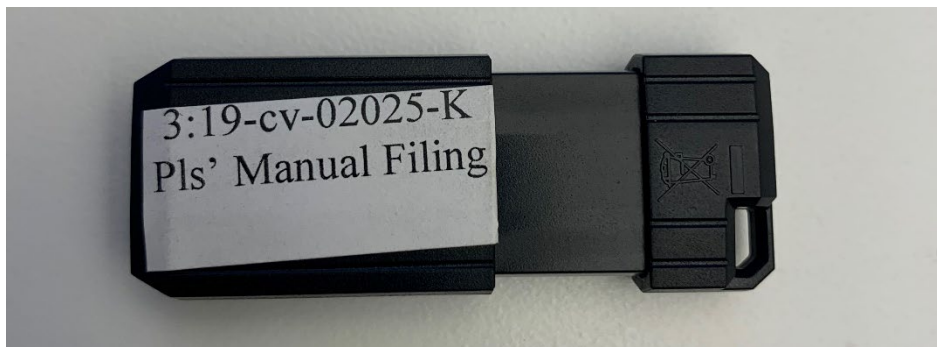


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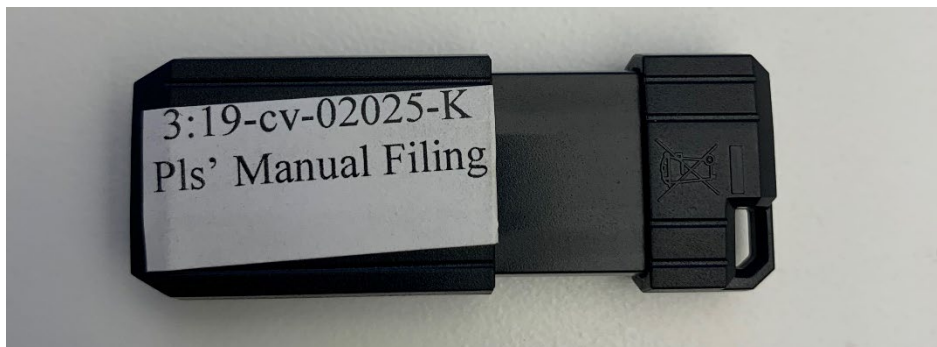


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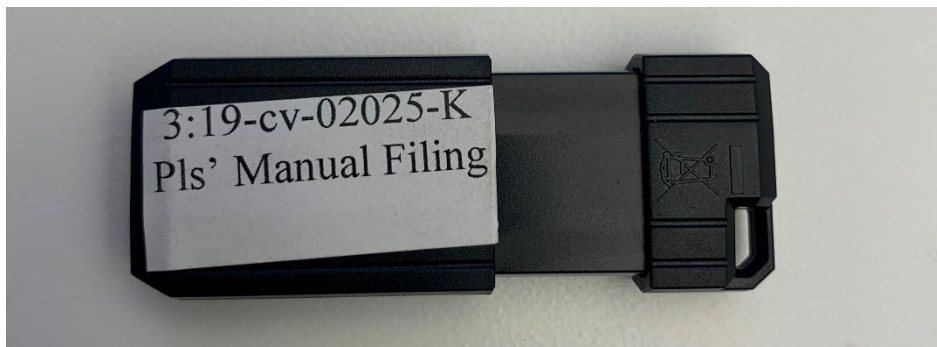


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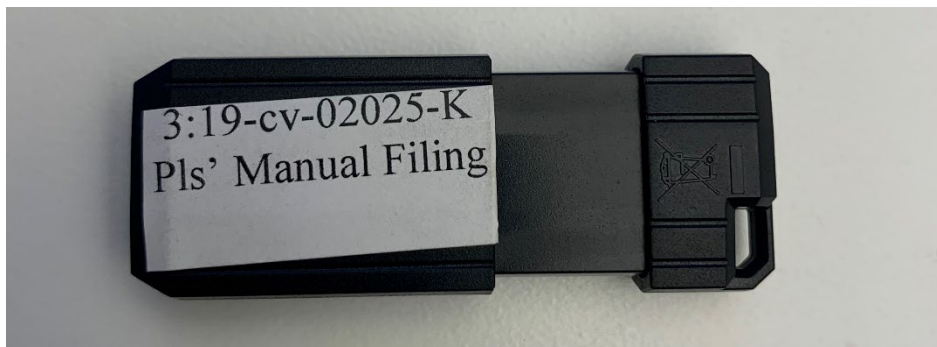


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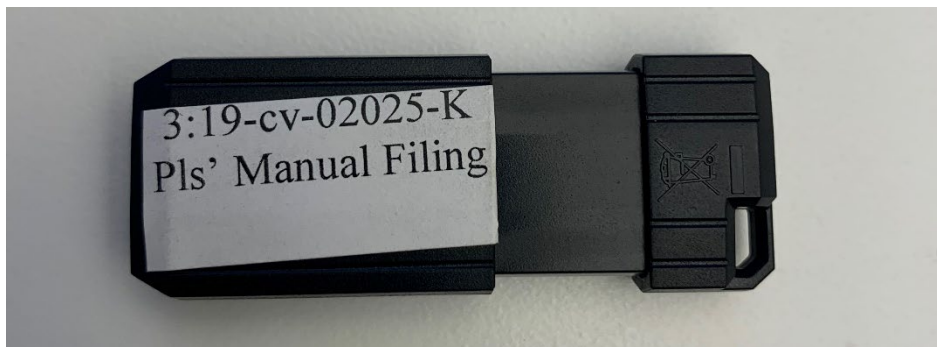


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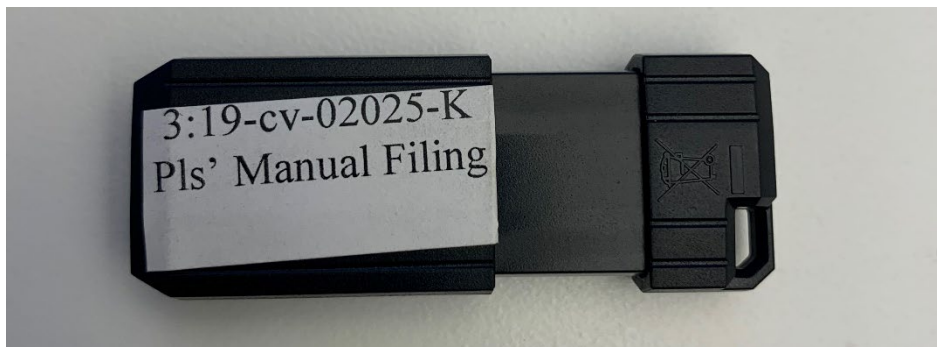


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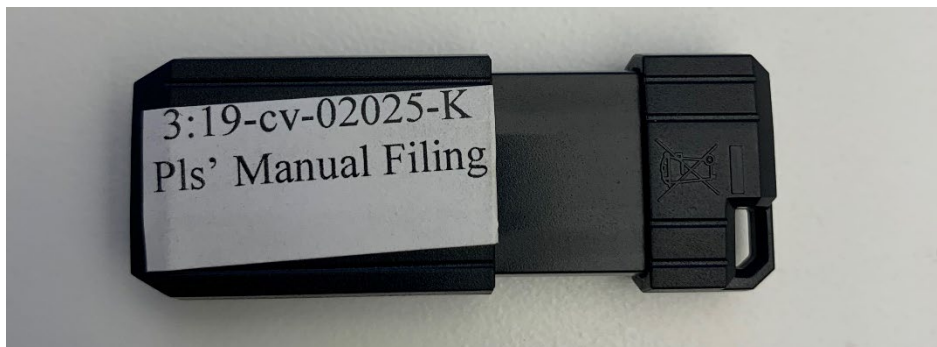


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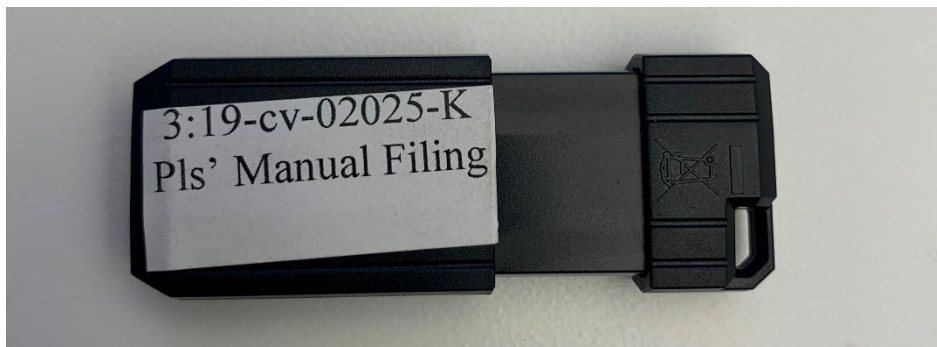


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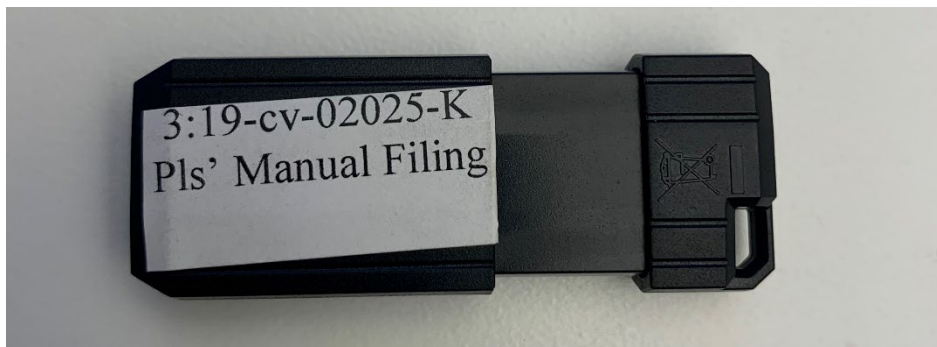


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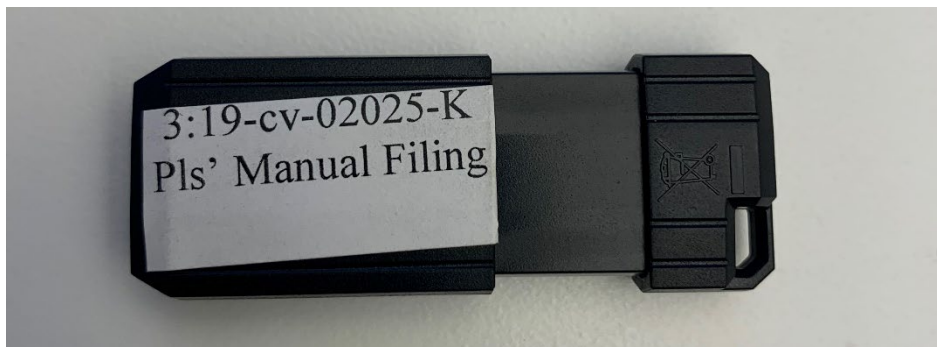


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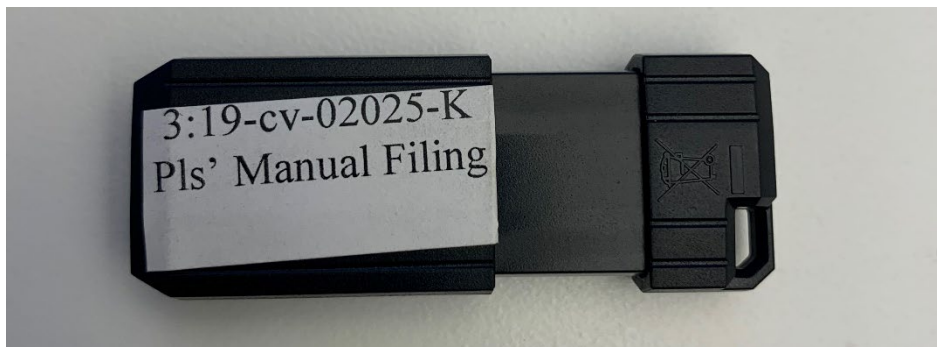


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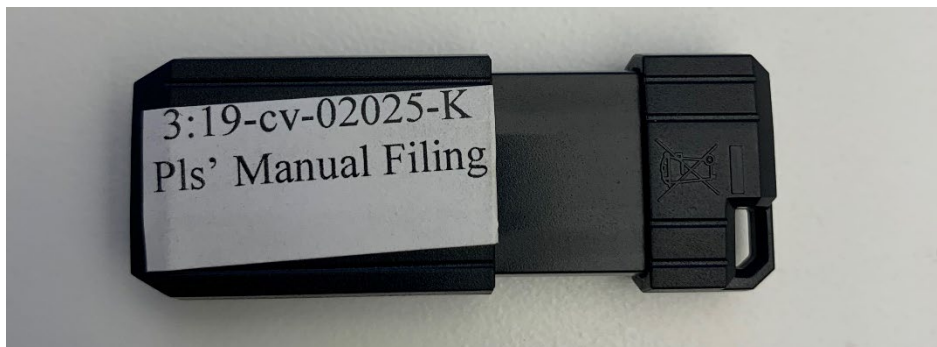


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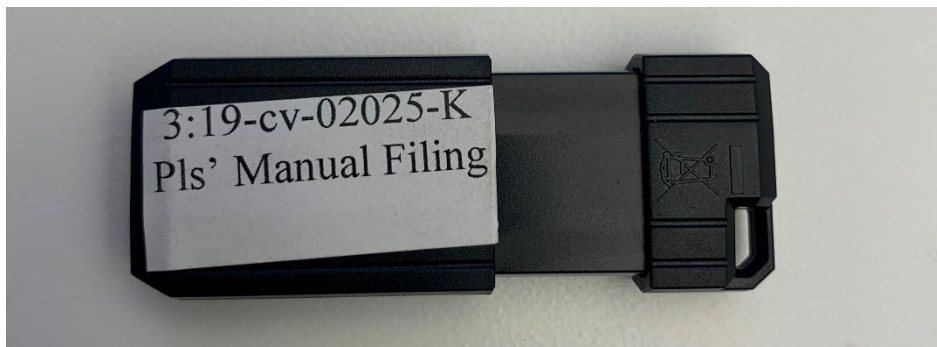


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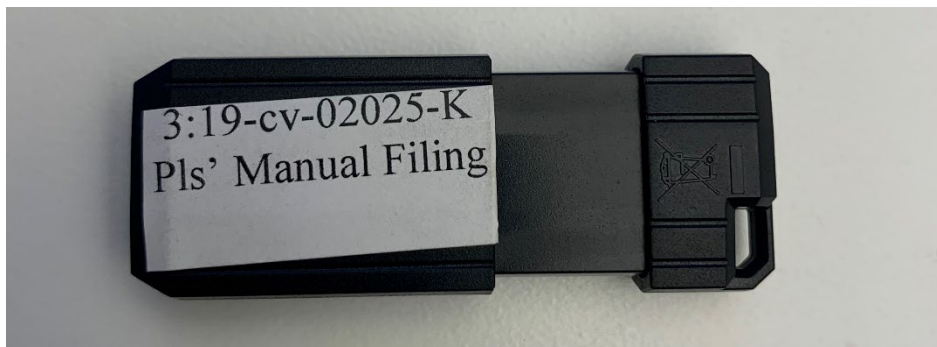


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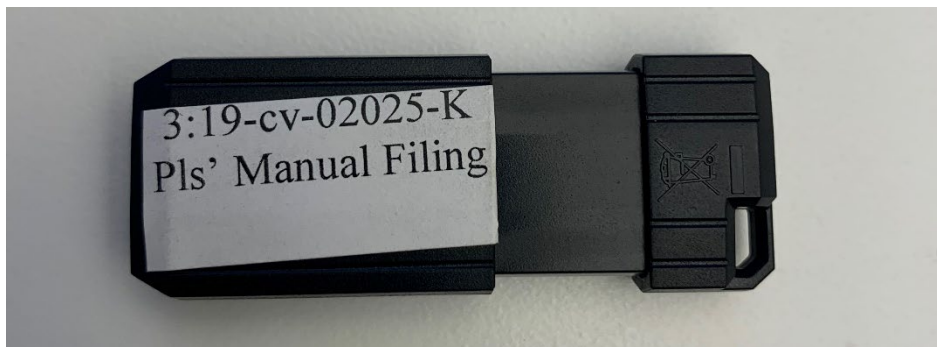


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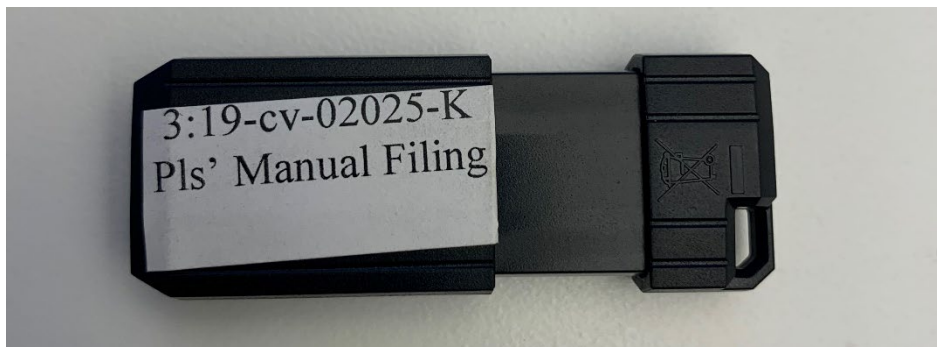


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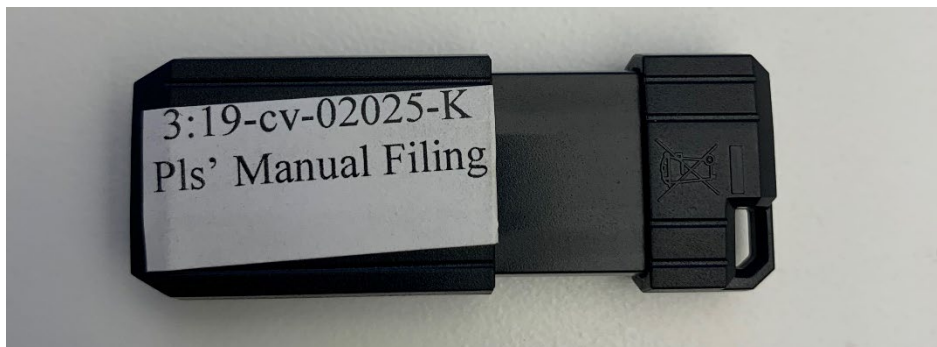


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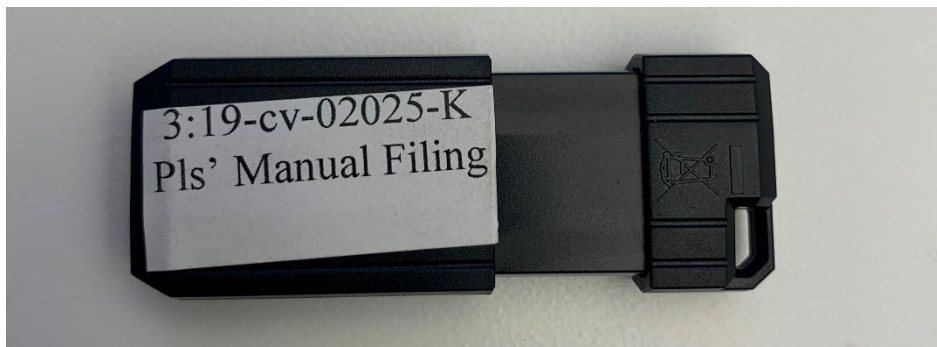


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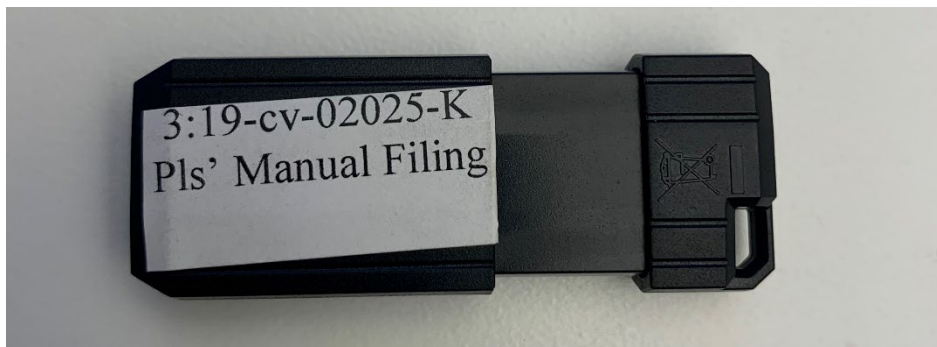


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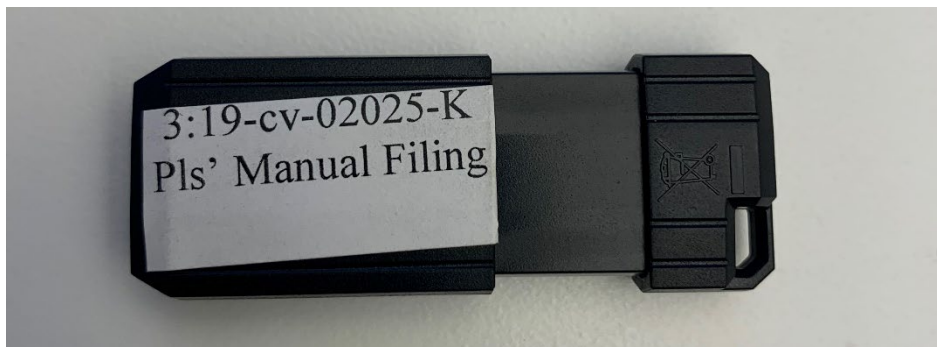


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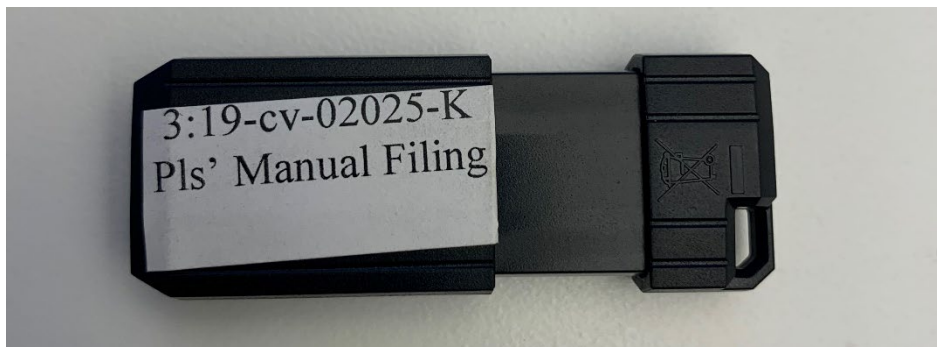


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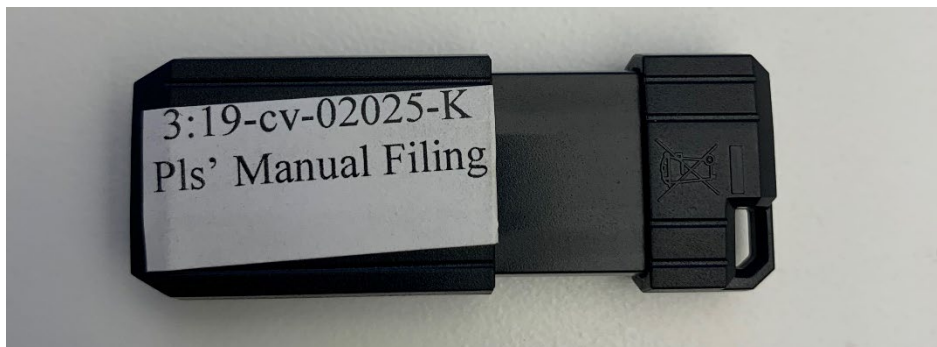


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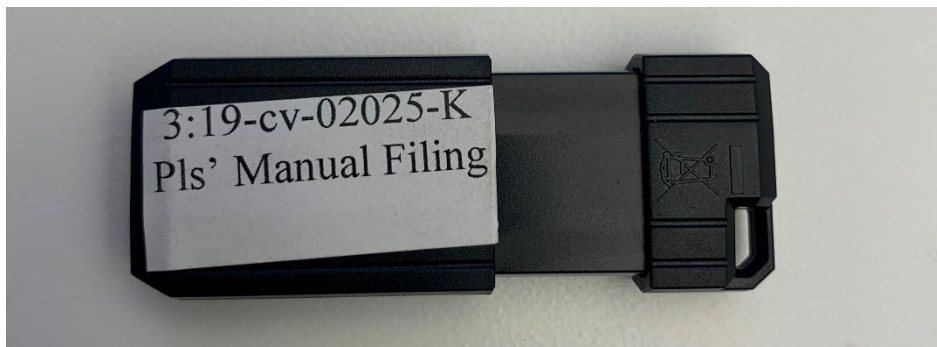


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(To the Declaration of Diana Rausa)

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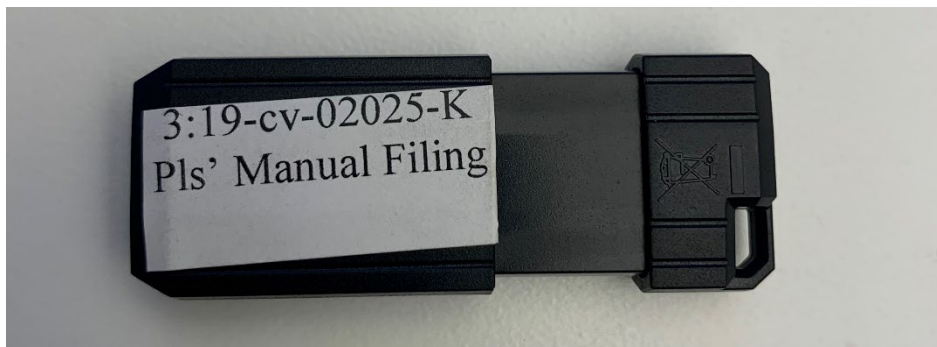


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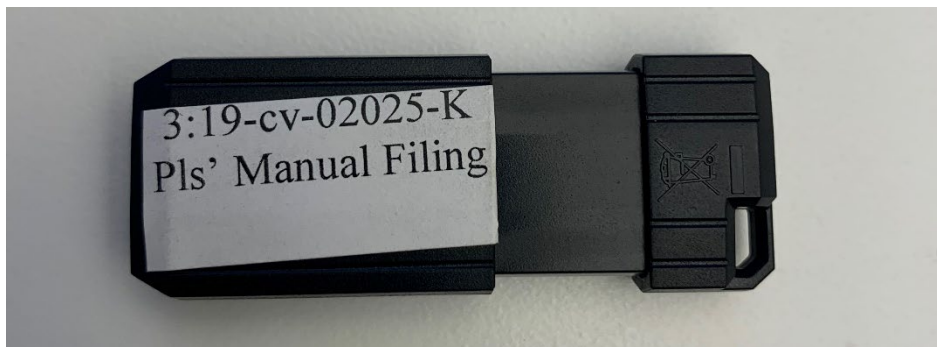


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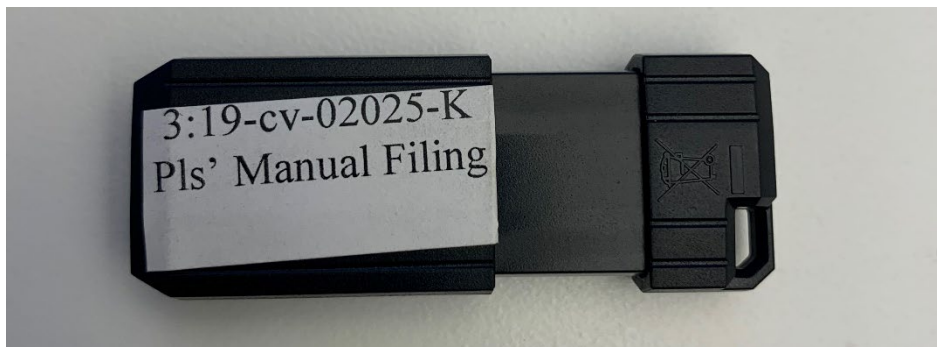


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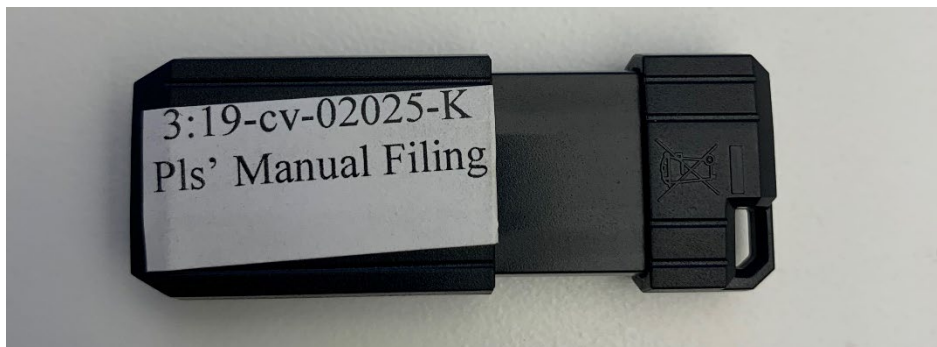


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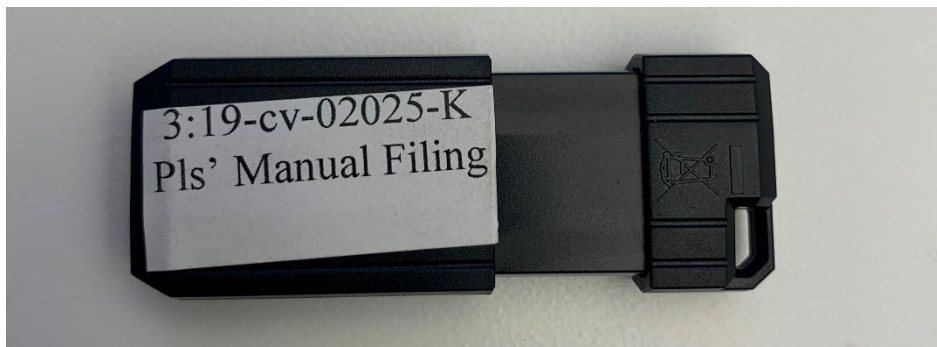


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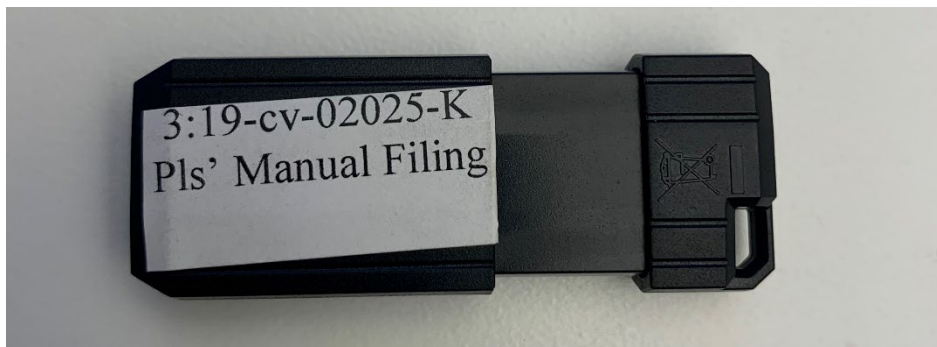


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(To the Declaration of Diana Rausa)

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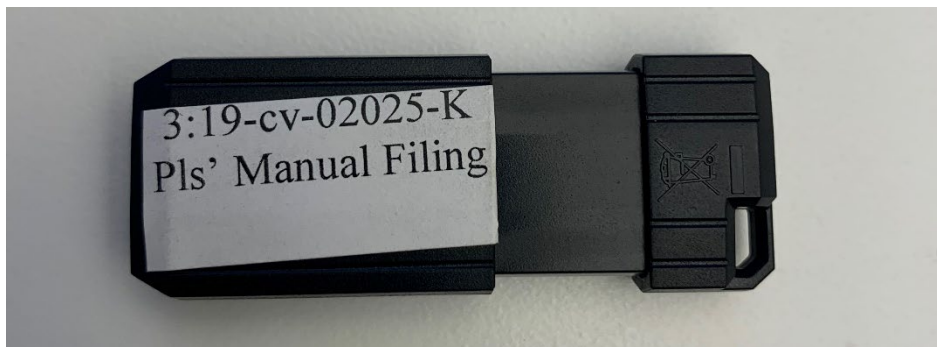


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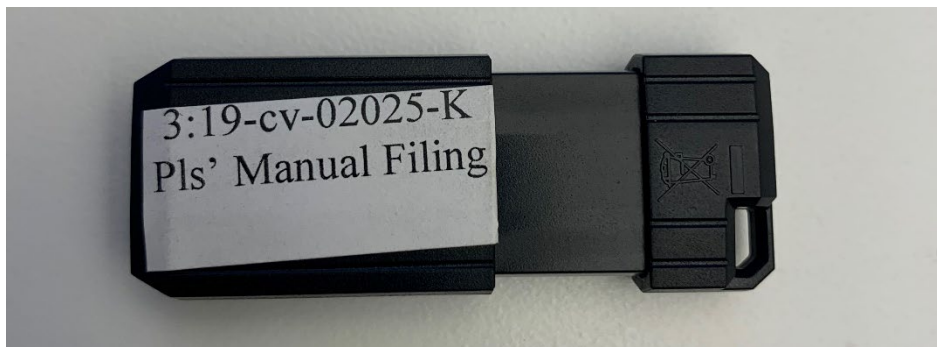


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(To the Declaration of Diana Rausa)

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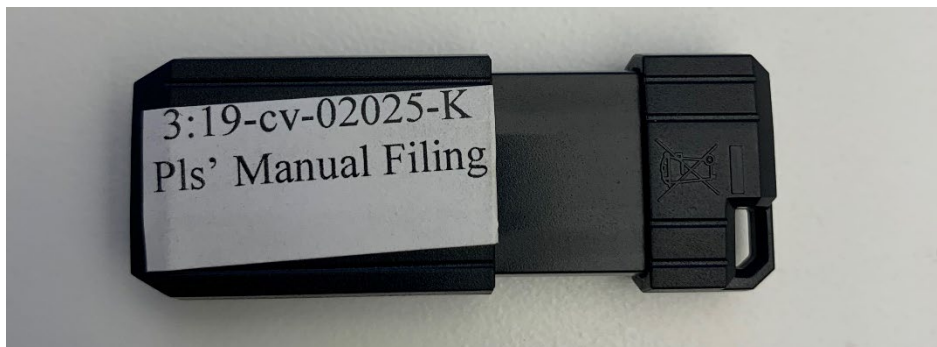


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(To the Declaration of Diana Rausa)

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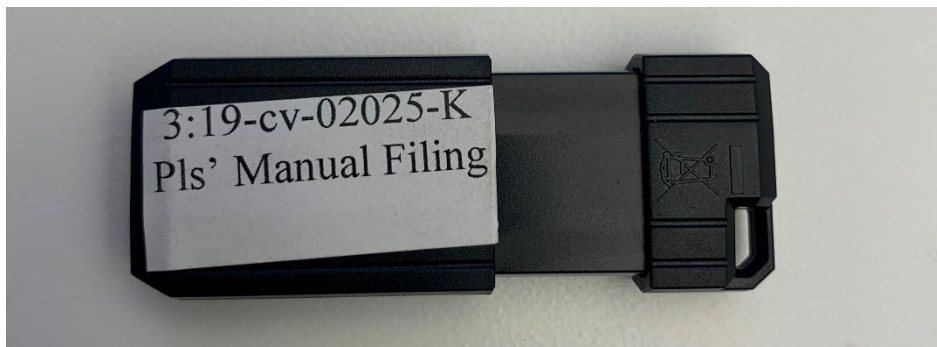


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(To the Declaration of Diana Rausa)

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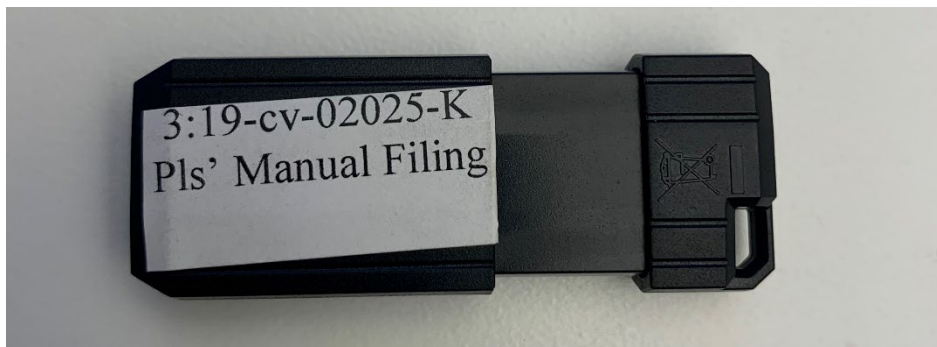


EXHIBIT 27

(To the Declaration of Diana Rausa)

**ACCIDENT INJURY LEGAL CENTER AND KEYWORD ADVERTISEMENTS:
A LIKELIHOOD OF CONFUSION SURVEY REPORT**

Prepared by:

Dr. David W. Stewart, Ph.D.

July 11, 2022

Qualifications

I am Emeritus President's Professor of Marketing and Business Law at Loyola Marymount University and an independent management consultant. I have previously served as a tenured member of the faculty and in various administrative roles at Vanderbilt University, the University of Southern California, the University of California, Riverside, and Loyola Marymount University. I serve or have served on the editorial boards of more than twenty journals and regularly review manuscripts that have been submitted for publication in these journals, including the *Journal of Marketing*, the *Journal of Public Policy and Marketing*, the *Journal of the Academy of Marketing Science*, the *Journal of Marketing Research*, the *Journal of Advertising*, the *Journal of Advertising Research*, the *International Journal of Advertising*, the *Journal of Promotion Management*, the *Journal of Interactive Marketing*, and *Media Psychology*, among others. I am a past editor of the *Journal of Marketing*, the *Journal of the Academy of Marketing Science*, and the *Journal of Public Policy and Marketing*.

I hold three academic degrees in psychology: a B.A. from the University of Louisiana at Monroe, an M.A. in general experimental psychology from Baylor University, and a Ph.D. in personality psychology from Baylor University. I have written extensively about market analysis, consumer behavior, market definition and structure, branding, marketing communication, marketing research, marketing management, and public policy issues related to marketing. My research has examined how consumers and managers search for and use information in decision making, effective communication with consumers, methods for the study of consumers and their behavior, and the effective and efficient design of marketing programs. In addition to my work on consumer behavior related to commercial products and services, I have also examined the influences of warnings and disclosures on consumers.

My scholarship has been widely cited and has been recognized and honored in a number of venues including the receipt of the Ivan Preston Award for Outstanding Lifetime Contributions to Advertising Research by the American Academy of Advertising, the Elsevier Distinguished Marketing Scholar Award by the Society for Marketing Advances, the Cutco/Vector Distinguished Marketing Educator Award by the Academy of Marketing Science, the American Marketing Association's Award for Lifetime Contributions to Marketing and Public Policy, the Margaret H. Blair Award for Marketing Accountability conferred by the Marketing Accountability Standards Board, the Chinese Scholar Marketing Association Fellow Award for Outstanding Contribution to Marketing Scholarship in China and Beyond, and the Ingolstadt Legacy Award for Business and Economics in Service of Humanity, Awarded by the City of Ingolstadt and the Catholic University of Eichstätt-Ingolstadt.

I am a member of the American Marketing Association, the Marketing Research Association, the American Statistical Association, the Association for Consumer Research, the Society for Consumer Psychology, the American Academy of Advertising, the American Psychological Association, the Association for Psychological Science, the American Association for Public Opinion Research, the Psychometric Society, the Academy of Management, and the Institute for Operations Research and Management Sciences, among others. I have also served two terms as a member of the United States Census Bureau's Advisory Committee of Joint Professional Associations, and I am a past-chairman of this committee.

I have served as Vice President for Finance, Vice President for Publications, and as a member of the Board of Directors of the American Marketing Association. I am a past-president of the Society for Consumer Psychology, a past-chair of the Section on Statistics in Marketing of the American Statistical Association, and a past-president of the Academic Council of the

American Marketing Association. I am a Fellow of the American Marketing Association, the American Psychological Association, and the American Psychological Society.

I have taught marketing courses to undergraduates, MBA students, Ph.D. students, and practicing managers for more than forty years. I have taught courses on principles of marketing, consumer behavior, advertising and promotion management, product development and management, marketing research, marketing management, and marketing strategy, among others. I have taught both qualitative and quantitative approaches to marketing research, including the design and use of in-depth personal interviews, customer visits, focus groups, survey research, choice modeling, and marketing experiments to both university students and practicing professionals. I have offered executive education courses on marketing topics, including marketing research, in more than twenty countries on five continents.

I have served as a consultant for a wide array of business firms, not-for-profit organizations and government agencies. In this work I have studied marketing activities and consumer behavior and have advised companies, not-for-profit organizations, and government agencies regarding marketing activities. Among the organizations with which I have consulted are Coca-Cola, General Motors, Visa Services, Hewlett Packard, Agilent Technologies, Hughes, Texas Instruments, Samsung, NCR, IBM, and Cadence Design Systems, among other companies. I have also served as a consultant to and expert witness for the Federal Trade Commission and the Office of Consumer Protection of the California Attorney General.

As a part of my business experience, academic research, and consulting practice, I have personally designed and conducted hundreds of consumer surveys. My experience with survey research includes the design of questionnaires, specification of the relevant universe and sampling frame, identification and implementation of approaches for sample selection,

supervision of fieldwork, and data analysis and interpretation. I have published numerous papers using survey methodology and have also published papers on the methodology of survey research. I have also presented the results of my surveys to academic conferences and to senior managers. I have offered testimony regarding surveys, including surveys of my own design, before the Federal Trade Commission and in various Federal and State Courts. I have also offered other testimony regarding marketing issues, including issues related to consumer behavior, branding, marketing communications, marketing strategy, deceptive advertising, and intellectual property before the Federal Trade Commission and in Federal and State Courts. I have served as an expert witness for a mixture of plaintiffs and defendants over time.

In the conduct of my work as scholar, teacher, consultant, and expert witness I rely on well-accepted principles and theories in marketing and the behavioral sciences. I also place great reliance on properly designed and well-executed empirical research, such as survey research, to inform my opinions. Such research may be of my own design but may also be research published in peer reviewed journals or conducted to inform business decisions with important economic and/or social consequences.

A copy of my *Curriculum Vitae*, including a list of my testimony over the prior 4 years, is attached as **Exhibit A**.

Scope of Assignment

Jim Adler is a personal injury attorney who advertises his services using the federally registered trademark “The Texas Hammer.” I have been retained by Pirkey Barber PLLC on behalf of Adler to design and implement a survey to determine the degree to which consumers are confused by online keyword advertisements that are found through searches for “The Texas Hammer.” I am being compensated at a rate of \$750 per hour for my work on this project. My

compensation is not dependent on the results of the survey or the outcome of this particular matter.

Description of the Survey

Approach

The design of the survey involved a modification of the well-accepted *Squirt* protocol,¹ with a test/control approach.² In a traditional *Squirt* survey design respondents are first shown the senior mark, which in the present matter is “The Texas Hammer.” Respondents are then shown several other marks side-by-side or sequentially, including the alleged infringing mark at issue (the test mark). Respondents are also shown other marks (the control mark). After viewing the test and control marks, respondents are asked a series of questions regarding their perceptions of any association between the senior mark and the test and control marks. A likelihood of confusion is determined by examining the difference in the percentage of consumers who perceive an association between the senior mark and the test mark relative to the percentage of consumers who perceive an association between the senior mark and the control mark.

In the present survey the traditional *Squirt* survey design was modified to reflect the characteristics of the online search environment. In the online search environment, a consumer enters a search term into a search engine, most often Google, using a computer or mobile device.³ The search engine produces several results responsive to the search term. Some of these

¹ Jerre B. Swann (2008), “Likelihood of Confusion Studies and the Straited Scope of Squirt,” *The Trademark Report*, 98 (3), 739- 756; Jerre Swann (2012) “Likelihood of Confusion,” Ch. 4 Shari Seidman Diamond and Jerre Swann (eds.), *Trademark and Deceptive Advertising Surveys: Law, Science, and Design*, (ABA Book Publishing).

² Shari Seidman Diamond (2011), “Reference Guide on Survey Research,” in *Reference Manual on Scientific Evidence*, Third Edition (Washington, D.C.: National Academies Press), pp. 359 – 423; see also Shari Seidman Diamond and Jerre Swann (eds.), *Trademark and Deceptive Advertising Surveys: Law, Science, and Design*, (ABA Book Publishing).

³ Google’s share of desktop information search is 86% and exceeds 94% for mobile search Statista (2020), Worldwide desktop market share of leading search engines from January 2010 to April 2020, <https://www.statista.com/statistics/216573/worldwide-market-share-of-search-engines/>; Statista (2020), Market

responses may reflect paid advertising, that is, payment by an advertiser for a listing and/or specific placement within a listing produced in response to a specific search term. The present survey was designed to simulate such online searching by first informing the respondent to assume that they conducted a Google search using the search term “The Texas Hammer” on their mobile phone. Respondents were then presented with three advertising links that they were told were produced by their search using the term “The Texas Hammer.” These links were typical of what a consumer would find on a mobile phone screen following a Google search using the term “The Texas Hammer.” Respondents were asked to click on the link they would select to obtain legal services from “The Texas Hammer” had they actually engaged in a search.⁴ Respondents who selected a link were subsequently asked a series of questions about the relationship(s) between the link selected and senior mark (“The Texas Hammer”). The specific search results and questions used in the present survey will be described below.

Objectives of the Survey

The survey was designed to determine whether and the extent to which consumers are confused about the source or sponsorship of a search engine result obtained using the search term “The Texas Hammer.” More specifically, the present survey was designed to determine the degree to which survey respondents perceived the link they selected to be put out by or associated with Adler, who uses the federally registered trademark “The Texas Hammer.” The survey also sought to identify the reasons consumers gave for such perceptions.

share of selected leading mobile search providers in the United States from October 2012 to April 2020, <https://www.statista.com/statistics/511358/market-share-mobile-search-usa/>.

⁴ Respondents had the option to select no link. If a respondent selected no link the survey was complete, respondents were thanked for their time, and the survey was terminated.

Summary of Findings

A representative sample of 400 consumers 18 years of age or older who reside in Texas and who indicated that they had previously used the services of a personal injury attorney or would consider using such services in the future were sampled. Respondents had the option to complete the survey in English or Spanish. The survey was conducted on the Internet by California Survey Research Services using the Dynata online consumer panel. In this survey respondents were first told to assume that they had used the Google search engine on their mobile phone to search for “The Texas Hammer.” They were then shown an image that was the result of their search. Three links were presented in this image. One was for Accident Injury Legal Center (the alleged infringer), one was for Semi Truck Settlement (the control), and one was for Adler. In response to the question about which one of the links they would select if they were seeking “The Texas Hammer” law firm, 47% of the respondents selected Accident Injury Legal Center, 3% selected Semi Truck Settlement, 32% selected the link for Adler, and 19% did not select a link.

Applying the traditional correction for guessing by subtracting the percent of respondents who selected the control (Semi Truck Settlement) from the percent of respondents who selected the alleged infringing link (Accident Injury Legal Center) yields a level of net confusion of 44% (47% - 3%). Even with the correct response among the alternatives (the senior mark, “The Texas Hammer”) more respondents selected the alleged infringing link than selected the correct link associated with Adler. When respondents who selected the Accident Injury Legal Center link were asked why they selected this link, 30% indicated that the reason was because the link was in some way associated with “The Texas Hammer” law firm. Indeed, in response to a direct

question about association, 48% of all respondents who selected the Accident Injury Legal Center link indicated that the link was for the same firm as the one that uses this moniker.

These results provide strong evidence that a substantial number of consumers are likely confused as to the relationship between Accident Injury Legal Center and the law firm doing business as “The Texas Hammer” due to Accident Injury Legal Center’s Google advertisement.

Method

The present survey was designed and conducted in accordance with established principles of survey research and is consistent with guidelines for survey research offered in litigation as articulated in the Manual for Complex Litigation⁵:

- A. The population was properly chosen and defined;
- B. The sample chosen was representative of that population;
- C. The data gathered were accurately reported;
- D. The data were analyzed in accordance with accepted statistical principles;
- E. The questions asked were clear and not leading;
- F. The survey was conducted by qualified persons following proper interview procedures; and
- G. The process was conducted so as to ensure objectivity (e.g., the study was “double blind”).

The Relevant Population

The relevant population for the survey was defined as consumers 18 years of age or older

⁵ *Manual for Complex Litigation*, Fourth Edition, §11.493, (Federal Judicial Center, 2004).

who reside in the state of Texas and who indicated that they had previously used the services of a personal injury attorney or would consider using such services in the future if they sustained an injury. Thus, the population was defined in terms of consumers in the market.

The Sample

Sampling is a process by which individuals are selected for participation in a survey. The procedures that guide the selection of a sample are referred to as the “sampling plan.” A critical element of sound survey research is the use of a sampling plan that assures that the individuals included in the survey are representative of the relevant population. In the present survey, invitations to participate in the survey were sent to a randomly selected sample of members of the Dynata consumer Internet panel (a description of this panel is provided in **Exhibit B**).⁶

Because respondents may choose to participate or not, the sample is a non-probability sample. In marketing and consumer research, non-probability sampling designs, such as those used in the present survey, are the most common type of sampling. Academic and commercial researchers widely and appropriately rely upon well-designed and properly executed non-probability samples. Business decisions of considerable import are routinely based on the results obtained from the use of such well-constructed sampling plans. Although statistical estimation requires a true probability sample in order to meet underlying statistical assumptions, in my experience it is common to compute measures of statistical precision and error when using non-probability samples since these measures provide some sense of the relative accuracy of specific outcomes obtained in a survey. This practice was followed in the present study.

⁶ Consumer panels have been in use for more than 100 years. Well-constructed and well-maintained consumer panels are frequently and appropriately used in research by business, government and other organizations to inform decisions of significant import. (See Seymour Sudman and Brian Wansink (2002), *Consumer Panels*, Second Edition, Mason, OH: Cengage).

Sample Size

The total sample reported on here includes 400 respondents. Under appropriate statistical assumptions, a sample size of 400 provides estimates of population statistics, such as the percentages used in the present report, that are, in the worst case, within approximately plus or minus five (5) percent of the true population statistics ninety-five percent (95%) of the time.⁷

Selection of Respondents

Respondents who participated in the survey are members of the Dynata consumer Internet panel.⁸ An e-mail invitation to participate in the survey was sent to a random sample of members of the panel. In order to ensure that the sample was broadly representative of the relevant population, quotas were established for age and gender.

The questions were presented to respondents via the Internet on the respondents' mobile phone. This mode of presentation was employed to simulate an online search that would occur on a mobile phone. Respondents were given the option to complete the survey in English or in Spanish.

Two questionnaires were used in the survey: (1) a "screenener" that included questions used for identifying members of the previously defined population; and (2) a main questionnaire that included questions asked only of respondents who met the qualifications for inclusion in the sample. A copy of screen shots of the questionnaires is included in **Exhibit C**. The screenener questionnaire of the survey included questions that determined whether an individual was a

⁷ Formulas for the determination of sample size and sampling error are described in various textbooks on survey and marketing research. See for example: David A. Aaker, V. Kumar, and George S. Day (2004), *Marketing Research*, Eighth Edition, (New York: Wiley), pp. 402 – 431.

⁸ Dynata was recently created through a merger of SSI and Research Now, two of the oldest and largest consumer panel organizations.

member of the relevant population. Respondents who met all of the qualifications of membership in the relevant population based on their responses to the screener questions were transitioned to the main questionnaire. Respondents who were disqualified from participation by virtue of their responses to the screener questions were thanked and the survey was terminated.

As is customary in survey research, respondents who might be atypically knowledgeable about the subject on which the survey focuses were eliminated from the sample.⁹ Thus, respondents who lived in household in which anyone worked in an advertising agency, a public relations firm, a market research company, or a legal services firm were excluded from the sample.

Internet surveys are well-accepted in the field of survey research as a standard, reliable methodology and are now the most common method of conducting survey research.¹⁰ Businesses and other organizations routinely make decisions of considerable import based on the results of Internet survey research among consumers and such surveys have been accepted in evidence in numerous federal court cases. The sample used in the present survey was provided by Dynata, a leading supplier of Internet samples for surveys. I have worked with Dynata, and its predecessors, SSI and Research Now, on many surveys and have found their procedures and panels to be highly reliable. Dynata has a large and diverse panel consisting of millions of Americans and is highly regarded as a reputable source of respondents for online surveys within the field of market research. Dynata utilizes appropriate industry procedures for ensuring the integrity and quality of its panels. Dynata employs a “by-invitation-only” panel recruitment

⁹ Joseph F. Hair, Jr., Robert P. Bush, and David J. Ortinau (2003), *Marketing Research*, Second Edition, (New York: McGraw-Hill), p. 476.

¹⁰ Don A. Dillman, Jolene D. Smyth, and Leah Melani Christian (2014), *Internet, Phone, Mail, and Mixed-mode Surveys: The Tailored Design Method*, (New York: Wiley); Roger Tourangeau and Shari Seidman Diamond (2012), “Internet Surveys for Evaluating Trademark Infringement and Deceptive Advertising,” in Shari Seidman Diamond and Jerre B. Swann (eds.), *Trademark and Deceptive Advertising Surveys: Law, Science and Design*, (Chicago: ABA Publishing).

model to enroll pre-validated individuals and, therefore, maintains a panel comprised of the most credible survey takers who are less prone to self-selection bias.

Dynata uses a double opt-in approach to panel construction. Potential panelists opt-in during an enrollment process, and then they are sent a follow-up email confirmation that requests the potential panelist to click a link to validate the opt-in. Then, he or she is sent a follow-up email providing access to their member account and they can begin receiving surveys. A unique email address is required to opt-in to the panel and physical addresses provided by panelists in the U.S. are verified against government postal information.

Accurately Reported Data

All survey respondents inputted their responses from their own mobile phones, and these responses were recorded electronically. Dynata employs an identity verification procedure when recruiting members for its Internet panels. Dynata uses a variety of invitations, including emails, telephone alerts, and banners and messages on websites to recruit members of its panels. Respondents may only participate in a survey if they input an individual password recognized by Dynata. Such identity verification is regarded as a best practice in the management of Internet surveys and serves to assure that the respondent to a specific survey is the actual panel member.¹¹

California Survey Research Services programmed and hosted the survey. I have personally reviewed the data on which the present report is based. All completed questionnaires were evaluated by California Survey Research Services for consistency and for evidence that

¹¹ Council of American Survey Research Organizations, Code of Standards and Ethics for Survey Research, <http://www.casro.org/codeofstandards.cfm>. See also: Gabriel M. Gelb and Betsy D. Gelb (2007), "Internet Surveys for Trademark Litigation: Ready or Not, Here They Come," *The Trademark Reporter*, 97 (5), 1073 – 1088.

respondents followed the directions, a process known in survey research as editing.¹² Coding classifications for responses to open-ended questions in the survey were developed by professional coders employed by California Survey Research Services. These coders have no knowledge of the sponsor or purpose of the survey. I personally reviewed and approved these coding classifications, which were subsequently used by the coders to classify open-ended responses and for data tabulation and reporting.¹³ **Exhibit D** provides the codebook used for coding the verbatim responses to the open-ended questions.

Main Questionnaire

Exhibit C provides a copy of the main questionnaire including the image to which respondents were exposed and the questions they were asked. The main questionnaire for the survey began by asking respondents to assume that they had carried out a Google search using the search term “The Texas Hammer.” They were then shown a screen image of the results of this search. The image included three sponsored advertisements: Accident Injury Legal Center, Semi Truck Settlement, and Adler. Each respondent was asked to review this image and then answer which advertisement they would select if they were seeking to reach “The Texas Hammer.” Respondents were not required to make a selection and were given an explicit “I would not click on any” option. Respondents who did not select an option were thanked and their survey was concluded. Respondents who selected a link advanced to a series of questions.

Respondents were asked:

¹² William G. Zikmund, Barry J. Babin, Jon C. Carr, and Mitch Griffin (2012), *Business Research Methods*, 9th Edition, (Mason, OH: Cengage Learning), Chapter 19. Editing is also common in surveys sponsored by the Federal government, see Linda L. Stinson and Sylvia Kay Fisher (1996), “Overview of Data Editing Procedures in Surveys Administered by the Bureau of Labor Statistics: Procedures and Implications,” paper to be presented at the first International Computer-Assisted System Information Computing (CASIC) Conference to be held in San Antonio, Texas on December 12, 1996.

¹³ The codebook used for coding of verbatim responses to the open-ended questions and tabulations of the coded responses is provided in Appendix D.

Q.1. Thinking about the ad you selected, do you think this advertisement is put out by the same personal injury attorney for which you were searching?

1 = Yes (is likely) (CONTINUE)

2 = No (is NOT likely) (GO TO Q.2.)

3 = Don't know (GO TO Q.2.)

[PROGRAMMING NOTE: FOR THOSE THAT SELECTED "1-YES (IS LIKELY)," GO TO Q1a, otherwise go to Q2]

Q.1a. You indicated that the ad is likely to be put out by the same personal injury attorney for which you were searching. Why do you think this? Please be as complete as possible, as it will help us understand your answer. [END SURVEY]

Q.2. Now thinking about the ad you selected, do you think the services being advertised are likely affiliated, associated or connected with the personal injury attorney for which you were searching? If you don't know, feel free to say so.

1 = Yes (is likely) (CONTINUE)

2 = No (is NOT likely) (GO TO Q.3.)

3 = Don't know (GO TO Q.3.)

PROGRAMMING NOTE: FOR THOSE THAT SELECTED "1-YES (IS LIKELY)," GO TO Q2a, otherwise go to Q3]

Q.2a. You indicated that the services being advertised in the ad you selected are likely to be affiliated, associated or connected with the personal injury attorney for which you were searching. Why do you think this? Please be as complete as possible, as it will help us understand your answer. [END SURVEY]

Q.3. Now thinking about the ad you selected, do you think the services being advertised are likely to have the authorization, approval or endorsement of the personal injury attorney for which you were searching? If you don't know please feel free to say so.

1 = Yes (is likely) (CONTINUE)

2 = No (is NOT likely) (END SURVEY)

3 = Don't know (END SURVEY)

PROGRAMMING NOTE: FOR THOSE THAT SELECTED "1-YES (IS LIKELY)," GO TO Q3a, otherwise END SURVEY]

Q.3a. You indicated that the services being advertised in the ad you selected are likely to have the authorization or approval of the personal injury attorney for which you were searching. Why do you think this? Please be as complete as possible, as it will help us understand your answer.

Survey Was Conducted by Qualified Persons Following Proper Procedures

I personally designed the survey. Under my supervision, California Survey Research Services, a well-known Internet, mail, and telephone survey research agency that has implemented survey research for leading companies, government agencies, and not-for-profit organizations throughout the United States, coordinated computer programming, data collection,

coding and data tabulation. I have worked with California Survey Research Services for more than two decades and have found their work to be of high quality and reliability. The list of potential respondents was provided by Dynata, one of the largest and most widely used providers of Internet based panels (See **Exhibit B**). I have conducted numerous surveys using Dynata consumer panels and have found the samples obtained from these panels to be of high quality and representative of larger populations of consumers.

Process Was Conducted to Ensure Objectivity

The present survey was “double-blind.” Respondents and line personnel in the survey research agency were not informed of the purpose and sponsorship of the study. Without such knowledge, the possibility that some respondents might correctly guess the purpose and/or the sponsor of the investigation is decreased. Similarly, without knowledge of the purpose and sponsorship of the survey, research agency personnel involved in such tasks as coding are unlikely to bias results in any particular direction.¹⁴ Per California Survey Research Services, data collection began on June 19, 2020 and was completed on July 2, 2020. The cost of field work for the project was \$8,700.

Findings

Summary tabulations of the results of the survey are provided in **Exhibit E**.

A representative sample was obtained of 400 consumers 18 years of age or older who reside in the state of Texas and who indicated that they had previously used the services of a personal injury attorney or would consider using such services in the future if they sustained an

¹⁴ An advantage of an Internet survey is that it eliminates any potential for interviewer bias because there are no interviewers. See Gabriel M. Gelb and Betsy D. Gelb (2007), “Internet Surveys for Trademark Litigation: Ready or Not, Here They Come,” *The Trademark Reporter*, 97 (5), 1073 – 1088.

injury. In this survey respondents were first told to assume that they had used Google on their mobile phone to search for “The Texas Hammer.” They were then shown an image showing the result of their search. Three sponsored advertisements were presented in this image: Accident Injury Legal Center (the alleged infringer); Semi Truck Settlement (the control); and Adler. In response to the question about which one of the advertisements they would select if they were seeking “The Texas Hammer,” 47% of the respondents selected Accident Injury Legal Center, 3% selected Semi Truck Settlement, 32% selected Adler, and 19% did not select an advertisement. Applying the traditional correction for guessing by subtracting the percent of respondents who selected the control (Semi Truck Settlement) from the percent of respondents who selected the alleged infringing advertisement (Accident Injury Legal Center) yields a level of net confusion of 44% (47% - 3%).

Even with the correct response among the alternatives (the senior mark, “The Texas Hammer”) more respondents selected the alleged infringing advertisement than the correct advertisement associated with Adler. In response to a direct question (Q1), 48% of all respondents who selected the Accident Injury Legal Center advertisement indicated that it was for the same firm as the one that uses the mark “The Texas Hammer.”¹⁵ When respondents who selected the Accident Injury Legal Center advertisement were asked an open-ended question about why they selected the ad, 30% indicated that the reason was because the advertisement was in some way associated with the firm that uses “The Texas Hammer” mark (Q1a).

Even with the correct response (Adler) among the alternatives, more respondents selected the alleged infringing advertisement than the ad for Adler. Including the correct advertisement

¹⁵ In response to additional questions, Q2 and Q3, another 23% of the respondents who selected the Texas Accident Lawyers link indicated that they thought there was some association between Texas Accident Lawyers and the firm that uses the “Texas Hammer” moniker or believed that Texas Accident Lawyers would need to obtain the permission or approval of the firm that uses the “Texas Hammer” moniker.

among the alternatives provides a highly conservative estimate of confusion. While Adler may appear in actual search results in the market, this will not always be the case because search results are dynamically generated. It is likely that even more consumers would select the Accident Injury Legal Center advertisement in the absence of the Adler alternative.

Conclusions

These results provide strong evidence that a substantial number of consumers are likely confused when confronting Accident Injury Legal Center's advertisement as to the relationship between Accident Injury Legal Center and the law firm doing business as "The Texas Hammer."

Executed this 11th day of July, 2022 at Spring Hill, Tennessee.

A handwritten signature in cursive script that reads "David W. Stewart".

David W. Stewart, Ph.D.

EXHIBIT 28

(To the Declaration of Diana Rausa)

connection with Keyword Advertisements.” Defendants do not use the Adler Marks in the text of their advertisements.

Subject to and without waiving these objections, admit.

REQUEST NO. 2: Admit that you compete directly with Adler in online search engine marketing to develop leads for personal injury cases.

RESPONSE: Defendants admit that Quintessa competes directly with Adler in some, but not all, auctions for certain search engine keywords in online search engine marketing to develop leads for personal injury cases.

REQUEST NO. 3: Admit that you compete with Adler in bidding on and purchasing the Adler Marks as keywords.

RESPONSE: Defendants admits that Quintessa competes directly with Adler in some, but not all, auctions for the Adler Marks as search engine keywords in online search engine marketing to develop leads for personal injury cases.

REQUEST NO. 4: Admit that you have received phone calls from potential clients that were trying to contact a specific lawyer or law firm and contacted you by mistake.

RESPONSE: Defendants object to this Request as vague, ambiguous, and requiring speculation as to what potential clients were “trying to do.”

Subject to and without waiving these objections, Defendants lack sufficient information to admit or deny this request.

REQUEST NO. 5: Admit that, prior to August 2019, you had received phone calls from potential clients that were trying to contact Adler and contacted you by mistake.

RESPONSE: Defendants object to this Request as vague, ambiguous, and requiring speculation as to what potential clients were “trying to do.”

Subject to and without waiving these objections, Defendants lack sufficient information to admit or deny this request.

REQUEST NO. 6: Admit that, since August 2019, you have received phone calls from potential clients that were trying to contact Adler and contacted you by mistake.

RESPONSE: Defendants object to this Request as unduly burdensome as it would require Defendants to conduct a lengthy, expensive and burdensome analysis to confirm or disprove the predicate of the Request. The information sought by this Request may be derived from the information provided in documents produced in this case, including ADLER_000631-640 and ADLER_000649-661.

DATE: August 31, 2022

Respectfully submitted,

/s/ Christopher J. Schwegmann

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2022, a true and correct copy of the foregoing was served via email upon all counsel of record.

/s/ Rebecca L. Adams

Rebecca L. Adams